# MUNICIPAL LAW AND PRACTICE

IN THE

## PUNJAB

COLGUTERISEL

BY
J. G. BEAZLEY







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1934

## TO THE MEMORY

 $\mathbf{OF}$ 

THE LATE PANDIT AVATAR KISHAN KAUL, FORMERLY UNDER-SECRETARY LOCAL SELF-GOVERNMENT

WHO REVISED THIS WORK

WITH

GREAT CARE AND INDUSTRY



#### PREFACE TO THE THIRD EDITION.

Certain sections of Part III have been considerably amplified, particularly the sections dealing with elections, the disposal of business, the management of municipal properties, municipal budgets and the regulation of buildings, but the general scheme of the book has not been changed. My thanks are due to the Punjab Government and to the Government of India for permission to reproduce portions of publications in which Government has the copyright.

J. G. BEAZLEY

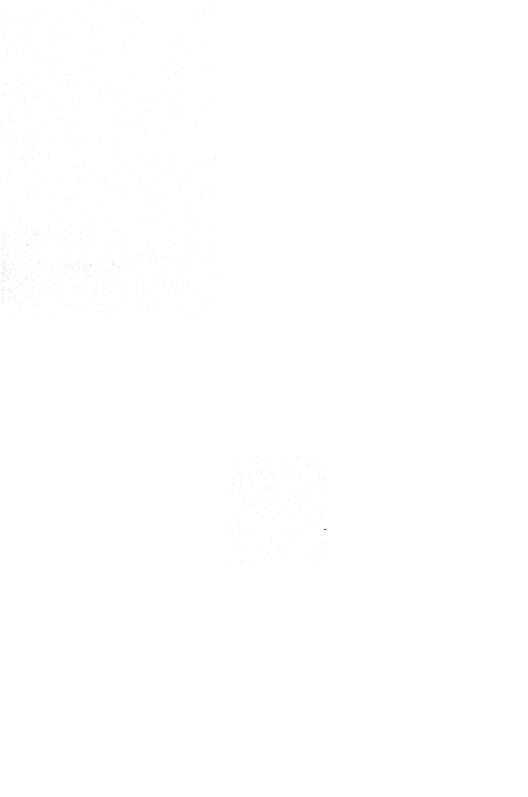
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#### PREFACE TO THE SECOND EDITION.

The six years which have elapsed since the first edition of this book appeared have been busy years in the sphere of municipal administration, and there has been much to revise to bring it up to date. I have also endeavoured to facilitate the use of the book as a book of reference by arranging municipalities in alphabetical, instead of district, order and by amplifying the index, and I have printed the Punjab Town Improvement Act, 1922, the Punjab Primary Education Act, 1919, and the Punjab Local Option Act, 1923, in full appendices. A considerable amount of discussion sections of the Act contained in the previous edition has been omitted as the recent amendment of the Act has removed the defects which were then criticised. I much regret that pressure of official work has prevented me from accepting many kind suggestions for adding to the scope of the book.

J. G. BEAZLEY.

6th July, 1924.



#### PREFACE TO THE FIRST EDITION.

The last edition of Fenton's Municipal Manual was published in 1902. Since then a new Municipal Act has been passed; many changes have taken place in the rules and bye-laws in force in the different municipalities, and a new edition of the manual was clearly called for. The want was to some extent supplied by Lala Hari Chand's "The Punjab Municipal Manual," but the last two years have seen many changes, including a revision of almost the entire body of rules made by the Local Government under the existing and previous Municipal Acts. The manuscript of this book had just been completed when the Government of India (Department of Education) issued their Resolution dated 16th May 41. 1918 on Local Government, foreshadowing many changes to be made in the sphere of local administration with a view to accelerating progress on the road of Local Self-Government towards the goal of responsible Self-Government in India. Much of this book will necessarily become out of date when those changes materialise, but much will also remain unaffected and the book may prove of service to those-whether officials or non-officials-whose business it will be to shape the impending changes in municipal administration. Some discussion has beenadded with reference to three or four of the questions dealt with in the resolution and the resolution itself is given in Appendix AI.\*

I have attempted in this book to give in as compendious a form as possible all the information which was contained in Fenton's Manual, and at the same time I have endeavoured—too ambitiously many will no doubt

<sup>\*</sup>The resolution has been omitted in the third edition as it is now ancient history

consider—to make the book of practical use to municipal committees by describing the nature and extent of their powers and suggesting the manner in which those powers should be exercised. Notified Areas have not been included within the scope of the book in view of the Bill to provide for the better administration of small towns which has been submitted for the approval of the Government of India.†

In conclusion I wish to acknowledge my indebtedness to Mr. G. A. Moncrieff for the assistance which he kindly gave me in suggesting the manner in which the financial position of a water-supply undertaking should be set forth, and for supplying me with the typical forms of capital account, profit and loss account, etc., which appear in Part III, Chapter VIII, section 2, paragraph 206; to Munshi Abdur Rahim, late First Assistant in the Boards and Committees Branch of the Punjab Secretariat, for help in compiling many of the statements in the book, and last but by no means least, to Lieutenant-Colonel H. C. Beadon, I. A., Deputy Commissioner of Delhi and President of the Delhi Municipal Committee, for the many lessons in municipal administration which I learnt while serving under him in the Delhi municipality, lessons to which the suggestions I have made with regard to municipal administration in the Punjab owe any value that they may possess.

J. G. BEAZLEY.

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AS AMENDED UP TO DATE
WITH NOTES

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PUNJAB MUNICIPAL EXECUTIVE OFFICERS' ACT

AS AMENDED UP TO DATE



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## PUNJAB MUNICIPAL ACT

(PUNJAB ACT III OF 1911.)

As Modified up-to-date.

## An Act to make better provision for the Administration of Municipalities in the Punjab.

WHEREAS it is expedient to make better provision for the administration of municipalities in the Punjab; It is hereby enacted as follows:—

#### CHAPTER I.

#### PRELIMINARY.

- Title, extent and commencement.

  1. (1) This Act may be called the Punjab Municipal Act, 1911;
- (2) It extends only to the territories for the time being administered by the Government of the Punjab; and
- (3) It shall come into force on such day as the Local Government may, by notification in the official Gazette, appoint in this behalf.

#### NOTES.

The Act III of 1933 came into force on 17th July, 1933, vide Punjab Government Notification No. 3022—S, published in the Punjab Gazette Extraordinary, dated 17th July, 1933. The principal act relating to municipalities was passed in 1911 known as The Punjab Municipal Act. It was amended by many acts that were passed subsequently, e.g. Punjab Municipal Amendment Acts of 1918, 1919, 1921, 1923, 1925 and 1926. In the present Act of 1933 amendments made by these Acts have been incorporated as well as changes have been made in these sections in which working of the municipalities has necessitated the change. By the amendment of section 50 members of the committees have been made to realise their responsibilities towards municipal affairs. Committees have been given more powers in certain respects. Control of Local Government has been made stricter than before.

<sup>1.</sup> Substituted by Sec. 2 of Punjab Act III of 1933.

The word "Government" has been substituted by the new Act in place of the words "Lieutenant-Governor of the Punjab" as the head of the Punjab Government has ceased to be called Lieutenant-Governor, Necessity therefore arose for this amendment.

- 2. (1) The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.
- (2) But all municipalities constituted, committees established, limits defined, appointments, rules, regulations, bye-laws and orders made, notifications and notices issued, taxes, tolls, rates and fees imposed or assessed, contracts entered into and suits instituted under the said acts, or any enactment thereby repealed, shall, so far as may be, be deemed to have been respectively constituted, established, defined, made, issued, imposed or assessed, entered into, and instituted under this Act.

#### NOTES.

It is a saving clause and is found almost in all the acts. This clause is essential otherwise acts done under the old Act will cease to have any force. By virtue of this clause acts done, taxes imposed and contracts entered into under the repealed Act are deemed to have been made under the new Act unless they contravene the provisions of the new Act. By virtue of this clause cases instituted under the old Act will be considered to have been instituted under the new Act.

When a person is granted sanction to build house under the repealed Act by virtue of section 2 such sanction will be considered to have been made under the new Act and the period of limitation regarding building of house will commence from the date on which the new Act comes into force for a new Act is never retrospective unless specifically enacted to be so. 14 P.L.R. 1905.

Interpretation of the Act.—The Act is to be strictly construed against committees as the powers given to municipalities are an interference for the public good with the ordinary rights and privileges of the public. 130 P.L.R. 1911.

Whenever any doubt arises regarding the right or privilege of committee under the Municipal Act benefit of it is to be given to the public for the act is to be strictly construed against committees.

3. In this Act, unless there is something repugnant in the subject or context,—

- (1) "annual value" means—
  - (a) in the case of land, the gross annual rent at which it may reasonably be expected to let from year to year:
    - Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value shall, if the Local Government so direct deemed to be double the aggregate of the following amounts, namely:—
    - (i) the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; or when the land-revenue has been wholly or in part compounded for or redeemed, the amount which, but for such composition or redemption, would have been leviable; and
    - (ii) when the improvement of the land due to canal irrigation has been excluded from account in assessing the land-revenue, the amount of owner's rate or water advantage rate, or other rate imposed in respect of such improvement:
  - (b) in the case of any house or building, the gross annual rent at which such house or building together with its appurtenances and any furniture that may be let for use or enjoyment therewith, may reasonably be expected to let from year to year, subject to the following deductions:—
    - (·) such deduction not exceeding 20 per cent. of the gross annual rent as the committee in each particular case may consider a reasonable allowance on account of the furniture let therewith:
    - (ii) a deduction of 10 per cent. for the cost of repairs and for all other expenses necessary to maintain the building in a state to command such gross annual rent. The deduction under this sub-clause shall be calculated on the balance of the gross annual rent after the deduction (if any) under sub-clause(i);

(iii) where land is let with a building, such deduction, not exceeding 20 per cent. of the gross annual rent as the committee in each particular case may consider reasonable on account of the actual expenditure, if any annually incurred by the owner on the upkeep of the land in a state to command such gross annual rent:

Explanation I.—For the purposes of this clause it is immaterial, whether the house or building, and the furniture and the land let for use or enjoyment therewith, are let by the same contract or by different contracts, and if by different contracts whether such contracts are made simultaneously or at different times.

Explanation II.—The term "gross annual rent" shall not include any tax payable by the owner in respect of which the owner and tenant have agreed that it shall be paid by the tenant.

(c) in the case of any house or building, the gross annual rent of which cannot be determined under clause (b), 5 per cent. on the sum obtained by adding the estimated present cost of erecting the building, less such amount as the committee may deem reasonable to be deducted on account of depreciation (if any) to the estimated market value of the site and any land attached to the house or building:

#### Provided that—

- (i) in the calculation of the annual value of any premises no account shall be taken of any machinery thereon;
- (ii) when a building is occupied by the owner under such exceptional circumstances as to render a valuation at 5 per cent. on the cost of erecting the building, less depreciation excessive, a lower pecentage may be taken:

#### Old

New

"building" means the '(2) 'building' means any whole or any part of any shop, house, hut, outhouse, house, but, outhouse, shed or stable, whether used and stable, whether used for the purpose of human

<sup>1.</sup> Substituted by section 3 of the Punjab Act III of 1933.

the purpose of human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatever; and includes a wall and a well.

habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatever; and includes a wall and a well.

#### NOTES.

A wooden shed roofed by tin sheeting and used for sleeping purposes is a building though moveable. A. I. R. 1925 Lah., p. 252.

- '(2a) 'building line' means a line beyond which the outer face or any part of an external wall of a building may not project in the direction of any street, existing or proposed:
- (3) "bye-laws" and "bye-law" mean respectively the regulations made or to be made by the committee at a special meeting under the authority of this Act and any one of such regulations:

Bye-laws—Are the regulations made by committees at a special meeting under the authority of this Act. Municipal Committees have been empowered under sections 31, 167, 188, 189, 190, 197 and 198 of the Act to frame bye-laws. This power is essential for a municipal committee for its efficient administration.

**Procedure.**—The meeting must be special and committee should follow the procedure in order to frame bye-laws as laid down in sections 200 and 201 of the P. M. Act.

Interpretation.—Bye-laws are to be strictly construed against a municipal committee for they are an encroachment on public right. Unless proved to the contrary a bye-law is to be presumed to have been made by a committee in accordance with law, *i.e.* a committee is to be presumed to have it enacted after following the procedure as laid down in the Municipal Act.

Essentials of a bye-law.—(1) It must be reasonable. 2 Lah., p. 239.

- (2) It must not contravene the provisions of law.
- (3) It must be certain and positive.
- (4) It must be enacted after observing formalities as required by sections 200 and 201 of the Act.

A bye-law does not become invalid provided committee has got power to frame bye-laws but is made under a provision which is inapplicable to it. 1930 Mad., p 648 (A.I.R.)

<sup>1.</sup> Added by section 3 of the Punjab Act III of 1933.

(4) "committee" means a municipal committee established by or under this Act:

Old

New

(4a) 'Deputy Commissioner' includes an officer or officers at any time appointed by the Local Government to perform in any local area the functions of a Deputy Commissioner under this Act:"

'(4a) 'Deputy Commissioner or 'Deputy Commissioner of the district' includes Additional Deputy Commissioner, Joint Deputy Commissioner or any person or persons at any time appointed by the Local Government to perform in any district or districts the functions of a Deputy Commissioner under this Act:

Provided that no official shall be so appointed unless he has for three years exercised the power of a magistrate of the first class.

<sup>2</sup>(4b) 'Commissioner' or 'Commissioner of the division' includes Additional Commissioner, Joint Commissioner or any person or persons at any time appointed by the Local Government to perform in any division or divisions the functions of a Commissioner under this Act:

Provided that no official shall be so appointed unless he has for five years exercised the powers of a magistrate of the first class.

- (5) "erect or re-erect any building" includes—
  - (a) any material alteration or enlargement of any building
  - (b) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation
  - (c) the conversion into more than one place for human habitation of a building originally constructed as one such place
  - (d) the conversion of two or more places of human habitation into a greater number of such places
  - (e) such alterations of a building as effect an

<sup>1.</sup> Amended by section 3 of the Punjab Act III of 1938, 2. Inserted by ditto ditto

- alteration of its drainage or sanitary arrangements, or materially affect its security
- (f) the addition of any rooms, buildings, outhouses or other structures to any building, and
- (g) the construction in a wall adjoining any street or land not belonging to the owner of the wall, of a door opening on to such street or land:

#### NOTES.

The word "include" is not used in the restrictive sense. It means that the word erect or re-erect include illustrations given in clauses (a) to (g) besides the ordinary interpretation of the word erect or re-erect.

(6) "explosive" and "petroleum" have the meanings assigned to those words in the Indian Explosives Act, 1884, and the Indian Petroleum Act, 1899, respectively:

Explosive has been defined in Indian Explosives Act 1884 as follows:—

'Explosive' means gun-powder, nitro-glycerine dynamite, guncotton, blasting powder, fulminate of mercury or of other metals, coloured fires and every other substance whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect and (b) includes fog-signals, fire works, fuzes, rockets, percussion-caps, detonators, cartridges, ammunition of all descriptions and every adaptation or preparation of an explosive as above defined.

The term "Petroleum" has been defined as follows in section 2 of The Indian Petroleum Act, 1899.

In this Act unless there is anything repugnant in the  $\,$  subject or  $\,$  context,—

- (a) Petroleum includes also—
  - (i) the liquids commonly known by the names of rock oil Rangoon oil, Burma oil, paraffin oil, mineral oil, kerosine, petroline, gasoline, benzoline, benzine and benzol;
  - (ii) any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other lituminous substance or from any product of petroleum; and

(iii) any liquid or viscous mixture having in its composition any of the liquids aforesaid;

but it does not include any oil ordinarily used for lubricating purposes, and having its flashing point at or above two hundred degrees of Fahrenheit's thermometer.

- (7)1 "infectious disease" means cholera, plague, smallpox,2 tuberculosis or such other dangerous disease as the Local Government may notify in this behalf:
- (8) "inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property, in any municipality or in any local area which the Local Government has by notification under this Act proposed to declare to be a municipality; and in case of any dispute, means any person or persons declared by the Commissioner to be an inhabitant or inhabitants:
- (9) "municipality" means any local area declared by or under this Act to be a municipality:
- (10) "occupier" includes an owner in actual occupation of his own land or building, and also any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which the word is used: for the purposes of Chapters W and IX occupier shall include hotel keeper, lodging-house keeper, and any owner whose premises are let to more than one tenants:
- (11) "owner" includes the person for the time being receiving the rent of land and buildings, or either of them. whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose. or who would so receive the same if the land or building were let to a tenant:
- (12) "rules" and "rule" mean, respectively, the rules made or to be made and notified by the Local Government under the authority of this Act, and any one of such rules:
- (13) (a) 'Street' shall mean any road, footway, square, court, alley, or passage, accessible, whether permanently or temporarily to the public, and whether a thoroughfare or not;

and shall include every vacant space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings about thereon, and if it is means of access to used by any person as a from any public place or thoroughfare, whether such per-

<sup>1.</sup> Inserted by Sec. 3 of the Punjab Municipal (Amendment) Act II of 1923.
2. See Notification No. 224, dated 18th April 1914, Pb. Gazette 1914, Part I-A, page 71; No. 218, dated 24th March 1915. Po. Gazette 1915, Part 1-A, page 65; No. 7116, dated 18th March, 1919, Pb. Gazette, 1919, part I-A, page 108.
3. The words "Sec. 61-B (4) and" were omitted by Pb. Act IV of 1923,
4. Inserted by Sec. 3 of the Punjab Municipal Act, IV of 1923.

sons be occupiers of such buildings or not but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid:

#### Old

and shall include also the drains on either side and the land whether covered or not by any pavement, varandah or other erection, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property be private property or property reserved by Government for any purpose other than a street;—

### Old

(\*) "public street" shall mean any street—

(i) over which the public have a right of way or

(ii) heretofore levelled, paved, metalled, channelled, sowered or repaired out of municipal or other public funds; or "

# New

¹and shall include also the drains or gutters therein, or on either side, and the land, whether covered or not by any payment, verandah, or other erection, up to the boundary of any abutting property not accessible to the public:

#### New

(') 'public street' shall mean any street—

(i) heretofore levelled, paved, metalled. channelled. sewered or repaired out of municipal or other public funds, 'unless before such work was carriout there was an agreement with the proprietor that the street should not thereby become a public street, or unless such work was done without the implied or express consent of the proprietor; or

(ii) which under the provisions of section 171, is declared by the committee to be, or under any other provision of this Act becomes a

public street:

<sup>1.</sup> Substituted by Sec. 3 of Punjab Act III of 1933.

### NOTES.

The present Act defines public street and makes distinction between street and public street. From the definition it is evident that public streets vest in committees and committees can spend money out of their fund for their maintenance and improvement.

Accessible to the public means open to the public whether by right or permission. A lane accessible to public permanently or temporarily has been held street. 1922 Lah., p. 41.

(14) "vehicle" shall include bicycles, tricycles and automotor cars, and every wheeled conveyance which is used or capable of being used on a public treet.

### NOTES.

Vehicle includes trollies also for they are covered by the word every wheeled conveyance.

### Old

(15) 'Medical officer of Health' shall include a n Assistant Director of Public Health and such other persons as the Local Government may by notification appoint as Medical Officer of Health, and

#### New

'(15) 'Medical Officer of Health' means such person as the committee has appointed Medical Officer of Health, or such person as the Local Government may by notification appoint Medical Officer of Health, or failing such appointment, the District Medical Officer of Health.

<sup>2</sup>(16) 'factory' shall have the meaning assigned to it in the Indian Factories Act, 1911.

#### NOTES.

Following is the definition of term 'factory' in the Indian Factories Act, 1911:—

- 'Factory' means—
- (a) Any premises wherein or within the precincts of which, on any one day in the year not less than twenty persons are simultaneously employed and steam water or other mechanical power or electrical power is used in aid of any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale any article or part of an article, or

Substituted by section 3 of the Punjab Act III of 1933.
 Added by Section 3 of Punjab Municial (Amendment) Act 1923 (II of 1923).

(b) Any premises wherein or within the precincts of which, on any one day in the year not less than ten persons are simultaneously employed and any such process is carried on, whether any such power is used in aid thereof or not which have been declared by the Local Government, by notification in the Local Official Gazette, to be a factory.

A declaration under clause (b) may be made in respect of any class of premises, or in respect of any particular premises.

(17) 'Public place' means a space which is open to the use or enjoyment of the public, whether or not private property and whether or not vested in the committee.

# NOTES.

Space between shops that is used as thoroughfare has been held as public place.

- <sup>1</sup>(18) (a) 'built area' is that portion of a municipality of which the greater part has been developed as a business or residential area.
- (b) 'unbuilt area' is an area within the municipal limits which is declared to be such at a special meeting of the committee by a resolution confirmed by the Local Government, or which is notified as such by Local Government.

# CHAPTER II.

# Constitution of Municipalities.

<sup>1</sup>4. (1) The Local Government may, by notification, Procedure for constituting municipality. propose any local area to be a municipality under this Act:

Provided that, no military cantonment or part of a military cantonment shall, without the consent of the Governor-General in Council, be included in any such area.

(2) Every such notification shall define the limits of the local area to which it relates.

as follows:—
"The amendments made in the said Act by Section 2 and II shall have effect as if they had been made on the first day of November 1911."

<sup>1.</sup> Substituted by Section 2 (i) of Punjab Act No. I of 1925. This amendment has been given retrospective effect by Section 12 of Punjab Act I, of 1925, which reads as follows:—

## NOTES.

The present Act defines public street and makes distinction between street and public street. From the definition it is evident that public streets vest in committees and committees can spend money out of their fund for their maintenance and improvement.

Accessible to the public means open to the public whether by right or permission. A lane accessible to public permanently or temporarily has been held street. 1922 Lah., p. 41.

(14) "vehicle" shall include bicycles, tricycles and automotor cars, and every wheeled conveyance which is used or capable of being used on a public treet.

# NOTES.

Vehicle includes trollies also for they are covered by the word every wheeled conveyance.

### Old

(15) 'Medical officer of Health' shall include a n Assistant Director of Public Health and such other persons as the Local Government may by notification appoint as Medical Officer of Health, and

# New

'(15) 'Medical Officer of Health' means such person as the committee has appointed Medical Officer of Health, or such person as the Local Government may by notification appoint Medical Officer of Health, or failing such appointment, the District Medical Officer of Health.

<sup>2</sup>(16) 'factory' shall have the meaning assigned to it in the Indian Factories Act, 1911.

#### NOTES.

Following is the definition of term 'factory' in the Indian Factories Act, 1911:—

- 'Factory' means—
- (a) Any premises wherein or within the precincts of which, on any one day in the year not less than twenty persons are simultaneously employed and steam water or other mechanical power or electrical power is used in aid of any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale any article or part of an article, or

Substituted by section 3 of the Punjab Act III of 1933.
 Added by Section 3 of Punjab Municial (Amendment) Act 1923 (II of 1923).

(b) Any premises wherein or within the precincts of which, on any one day in the year not less than ten persons are simultaneously employed and any such process is carried on, whether any such power is used in aid thereof or not which have been declared by the Local Government, by notification in the Local Official Gazette, to be a factory.

A declaration under clause (b) may be made in respect of any class of premises, or in respect of any particular premises.

(17) 'Public place' means a space which is open to the use or enjoyment of the public, whether or not private property and whether or not vested in the committee.

# NOTES.

Space between shops that is used as thoroughfare has been held as public place.

- <sup>1</sup>(18) (a) 'built area' is that portion of a municipality of which the greater part has been developed as a business or residential area.
- (b) 'unbuilt area' is an area within the municipal limits which is declared to be such at a special meeting of the committee by a resolution confirmed by the Local Government, or which is notified as such by Local Government.

# CHAPTER II.

# Constitution of Municipalities.

Procedure for constituting municipality.

14. (1) The Local Government may, by notification, propose any local area to be a municipality under this Act:

Provided that, no military cantonment or part of a military cantonment shall, without the consent of the Governor-General in Council, be included in any such area.

(2) Every such notification shall define the limits of the local area to which it relates.

"The amendments made in the said Act by Section 2 and II shall have effect as if they had been made on the first day of November 1911."

<sup>1.</sup> Substituted by Section 2 (i) of Punjab Act No. I of 1925. This amendment has been given retrospective effect by Section 12 of Punjab Act I, of 1925, which reads as follows:—

- (3) A copy of every notification under this section, with a translation in such vernacular language as the Local Government may direct, shall be affixed in some conspicuous place in the court-house of the Deputy Commissioner within whose jurisdiction the local area to which the notification relates lies, and in one or more conspicuous places in that local area.
- (4) The Deputy Commissioner shall certify to the Local Government the date on which the copy and translation were so affixed and the date so certified shall be deemed to be the date of publication of the notification.
- (5) Should any inhabitant desire to object to a notification issued under sub-section (1), he may, within six weeks from the date of its publication, submit his objection in writing through the Deputy Commissioner to the Local Government and the Local Government shall take his objection into consideration.
- (6) When six weeks from the date of the publication have expired, and the Local Government has considered and passed orders on such objections as may have been submitted to it, the Local Government may, by notification, declare the local area to be, for the purposes of this Act, a municipality of the first or second class.
- (7) The Local Government may by notification direct that all or any of the rules made under this Act which are in force in any municipality in the Punjab shall, with such exceptions and adoptations as may be considered necessary, apply to the local area constituted a municipality under this section, and such rules shall forthwith apply to such municipality without further publication.
  - <sup>1</sup>(7) (a) When a local area, the whole or part of which was a notified area under this Act, which is declared to be a municipality under this section, the municipal committee shall be deemed to be the perpetual successor of such notified area committee in respect of all its rules, bye-laws, taxes and all other matters whatsoever, and, the notified area committee shall continue in office, and shall, notwithstanding anything contained in the

<sup>1.</sup> Added by the Punjab Municipal (Amendment) Act 1925 and the Punjab Municipal and Small Town (Amendment) Act 1929.



(20)

Act, be deemed to be the municipal committee, until the appointment and election of members is notified by the Local Government under section 12.

- 1(7) (b) When a local area, the whole or part of which was a small town under the Punjab Small Towns Act, 1921, is declared to be a municipality under this section, the municipal committee shall be deemed to be the perpetual successor of such small town committee in respect of all its rules, byelaws, taxes and all other matters whatsoever and the small town committee shall continue in office, and shall, notwithstanding anything contained in this Act, be deemed to be the municipal committee, until the appointment and election of members is notified by the Local Government under section 12.
- (8) The Local Government may, after consulting the committee, direct by notification that any municipality be transferred from one class to another.
- (9) A committee shall come into existence at such time as the Local Government may, by notification, appoint in this behalf.
- 5. (1) The Local Government may, by notification published in the official Gazette and in such other manner as it may determine, declare its intention to include within a defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, no notification affecting it shall be published under this section without the previous consent of the Governor-General in Council.

(2) Any inhabitant of a municipality or local area in respect of which a notification has been published under sub-section (1) may, should he object to the alteration proposed, submit his objection in writing through the Deputy

<sup>1.</sup> Added by the Punjab Municipal (Amendment) Act 1925 and the Punjab Municipal and Small Town (Amendment) Act 1929.

Commissioner to the Local Government within six weeks from the publication of the notification in the Gazette; and the Local Government shall take such objection into consideration.

- (3) When six weeks from the publication of the notification have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (2), the Local Government may, by notification, include the local area in the municipality.
- (4) When any local area has been included in municipality under sub-section (3) of this section, this Act, and except as the Local Government may otherwise by notification direct, all rules, bye-laws, orders, directions and powers made, issued, or conferred under this Act and in force throughout the whole municipality at the time, shall apply to such area.
- Notification of intention to exclude local area from municipality.

  Notification of intention to exclude local area from municipality.

  The Local Government may, by notification and in such other manner as it may deem fit declare its intentions to exclude from a municipality any local area comprised therein and defined in the notification:

Provided that where the local area is a military cantonment or part of a military cantonment, no notification shall be published under this section in respect of it without the previous consent of the Governor-General in Council.

- 7. (1) Any inhabitant of a municipality or local Exclusion of local area in respect of which a notification area from municipality. has been published under section 6 may, if he objects to the exclusion proposed, submit his objection in writing to the Local Government with six weeks from the publication of the notification, and the Local Government shall take his objection into consideration.
- (2) When six weeks from the publication of the notification have expired and the Local Government has considered the objections (if any) which have been submitted under sub-section (1), the Local Government may, by notification, exclude the local area from the municipality.

<sup>1.</sup> Substituted for word "three" by sec. 4 of Punjab (Municipal) Act 1923, II of 1923.

Effect of exclusion of local area from municipality.

- 8. (1) When a local area is excluded from municipality under section 7—
- (1) this Act, and all notifications, rules, bye-laws, orders, directions and powers issued, made or conferred under this Act, shall cease to apply thereto; and
- (b) the Local Government shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vested in the municipal committee shall vest in His Majesty for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council, and on the scheme being notified the property and liabilities shall vest and be apportioned accordingly.
- (2) All property vested in His Majesty under subsection (1) shall be applied under the orders of the Local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that subsection, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the local area.
- Power to except municipality from provisions of Act unsuited thereto.

  Local Government may, by notification, exempt the municipality or any part of it, from the operation of those provisions; and thereupon the said provisions shall not apply to the municipality until applied thereto by notification.
- (2) While such exception as aforesaid remains in force the Local Government may make rules for the guidance of the committee and public in respect of the matters excepted from the operation of the said provisions.

Power to withdraw municipal area altogether from operation of this Act.

- 10. (1) The Local Government may, by notification withdraw from the operation of this Act the area of any municipality constituted thereunder.
- (2) When a notification is issued under this section

in respect of any municipality, this Act and all notifications. rules, bye-laws, orders, directions and powers issued, made or conferred under this Act, shall cease to apply to the said area; the balance of the municipal fund and all other property at the time of the issue of the notification vested in the committee shall vest in His Majesty; and the liabilities of the committee shall be transferred to the Secretary of State for India in the Council.

(3) All property vested in His Majesty under subsection (2) shall be applied under the orders of the Local Government to discharge the liabilities imposed on the Secretary of State for India in Council by that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the local area comprised in the municipality.

# CHAPTER III.

# COMMITTEES.

# Constitution of Committees.

- There shall be established for each municipality a committee having authority over Constitution of Comthe municipality and consisting of such mittees. number of members not less than 'five as the Local Government may fix in this behalf.
- 12. Every such committee shall consist of members appointed by the Local Government Appointment and eleceither by name or by office, or of tion of members. members elected from among the inhabitants in accordance with rules made under this Act, or partly of the one and partly of the other as the Local Government may, by notification direct:

Provided that, unless the Local Government shall otherwise direct, the appointed members shall not exceed one-fourth of the whole committee.

<sup>1.</sup> Substituted for the words "three" by Sec. 4 of the (Punjab Municipal Amendment) Act, 1923 (II of 1923).

2. The words "who are Salaried Officers of Government" have been omitted in the words "one-fourth" substituted for the words "one-third" by Sec. 5 of Punjab

Act II of 1923.

Old

New

12-A. Notwithstanding anything contain-Oath of ed in the Indian allegiance. Oaths Act, 1873, every person who is elected or appointed to be a member of a municipal committee shall before taking his seat take or make, at a meeting of the said committee, an oath or affirmation of his allegiance to the Crown, in the following form namely:-

I, A.B., having been elected (or appointed) a member of this committee do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King-Emperor of India, His heirs and successors and that I will faithfully discharge the duty upon which I am about to enter.

# Provided that-

- (a) If any such person omits or refuses to take or make such oath or affirmation his election or appointment as the case may be shall be deemed to be invalid.
  - (b) In the case of such invalid election the person, if any, who obtained the next largest number of votes from amongst those who failed to secure election, shall be deemed to have been duly elected, or if the elec-

Section 12-A omitted by section 4 of Punjab Act III of 1933.

tion was uncontested, a fresh election shall be held, or in the case of such invalid appointment the Local Government shall appoint another person in the manner prescribed in section 12.

No person whose elecor appointment has tion been deemed to be invalid under this section shall be eligible for election or appointment to any committee for a period of two years from the date on which he ought to have taken or made such oath or affirmation.

## Old

(1) If a member of committee is appointed by office, the person for the time being holding the office shall be a member of the committee until the Local Government shall otherwise direct.

New

<sup>1</sup>(1) If a member of committee is ap-Term of pointed by office, office of members. the person for the time being holding the office unless the shall. Local Government otherwise directs, be a member of the committee until the date fixed for the meeting at which his successor is required to take the oath of allegiance.

(2) The term of office for which all other members of committee shall be appointed and elected, respectively, shall be fixed by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

#### Old

New

(3) Notwithstanding any- (3) Notwithstanding anything contained in sub-thing contained sub-

Substituted by Sec. 5 (i) of the Punjab Act III of 1933. Substituted by Sec. 2 (i) of the Punjab Act I of 1934. Substituted by Sec. 2 (ii) of Punjab Act I of 1934

section (2) or in any rules made by the Local Government thereunder, an outgoing member shall, unless the Local Government otherwise directs, continue in office until election or appointment of his successor is notified.

section (2) or in any rules made by the Local Government thereunder, an outgoing member shall, unless the Local Government otherwise directs, continue in office until the date fixed for the meeting at which his successor is required to take the oath of allegiance.

- (4) An outgoing member may, if otherwise qualified, be re-elected or re-appointed.
- (5) When as the result of an enquiry held under Chapter XIV an order declaring the election of any member void has been notified, such member shall forthwith cease to be a member of the committee.

# NOTES.

This section has been again amended by Act I of 1934. The result of the amendment is that an outgoing member unless directed otherwise by Local Government, will continue to be a member till the date fixed for the meeting at which his successor is required to take oath of allegiance.

This is also applicable in the case when the number of outgoing members exceeds one. A. I. R. 1932 Lah., p. 26.

The term of office of all members whether nominated or elected except members appointed by office is 3 years—vide notification No. 17877, dated 25-9-17.

- 14. Notwithstanding anything in the foregoing

  Powers of the Local Government over the constitution of committees.

  Sections of this chapter, the Local Government may, at any time, for any reason which it may deem to affect the public interests, or at the request of a majority of the electors, by notification, direct—
  - (a) that the number of seats on any committee shall be increased or reduced;
  - (b) that any places on a committee which are requir-

<sup>1.</sup> Added by Sec. 5 (ii) of the Punjab Act III of 1983.

ed to be filled by election shall be filled by appointment, if a sufficient number of member has not been elected;

- (c) that a seat on any committee which is then filled by election shall thenceforth, when vacant, be filled by appointment;
- (d) that a seat on any committee then filled by appointment shall thenceforth, when vacant, be filled by election:
- (e) that the seat, of any specified member, whether elected or appointed, shall be vacated on a given date, and in such case such seat shall be vacated accordingly, notwithstanding anything Act or in the rules made thereunder.

Old

15. (1) Any member of committee who may wish to resign may forward his written resignation, through the president of the committee, to the Deputy Commissioner within whose jurisdiction the municipality lies.

(2) When the acceptance of the resignation by the Local Government has been communicated to the committee, the member shall be deemed to have vacated his

seat:

New

'If a member of a 15. committee wishes Resignation to resign his office member of commitshall submit he an application in writing through the Deputy Commissioner to the Local Government. If such resignation is accepted, it shall be notified in the gazette on a date not less than 15 days and not more than 60 days after the receipt of the said member's application by the Deputy Commissioner whereupon the member shall be deemed to have vacated his seat:

Provided that if a member who has submitted an application to resign wishes to withdraw his resignation he may apply to the Deputy Commissioner within 15 days of the receipt by the Deputy Commissioner of his application to resign, and the application to resign shall then be deemed to heve been withdrawn.

<sup>1.</sup> Substituted by Sec. 6 of the Punjab Act III of 1933.

## NOTES.

This section has been amended greatly by the present act. Formerly a member who wanted to resign was required to submit his resignation to the Deputy Commissioner through the president of the committee but now a member is required to submit his resignation direct to the Deputy Commissioner. By the amendment a member who has submitted resignation can take it back by applying within 15 days of the receipt of his resignation by Deputy Commissioner. He is required to apply for withdrawal to Deputy Commissioner. Formerly a member who had submitted resignation had no option left to withdraw the resignation.

Power of the Local Government as to removal of members.

16. (1) The Local Government may, by notification remove any member of committee—

- (a) if he refuses to act, or becomes, in the opinion of the Local Government, incapable of acting or has been declared a bankrupt or an insolvent or has been convicted of any such offence or subjected by a Criminal Court to any such orders as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member;
- (b) if he has been declared by notification to be disqualified for employment in, or has been dismissed from the public service and the reason for the disqualification or dismissal is such as implies in the opinion of the Local Government a defect of character, which unfits him to be a member.
- (c) if he has without reasonable cause in the opinion of the Local Government absented himself for more than three consecutive months from the meetings of the committee;
- (d) if his continuance in office is, in the opinion of the Local Government, dangerous to the public peace or order;

Old

New

(e) if, in the opinion of the Local Government, he has flagrantly abused his

<sup>1.</sup> Substituted by section 7 (i) of Punjab Act\_III of 1933.

Old.

New

position as the member of the committee:

(f) In case of salaried officer of the Government if his continuance in office is in the opinion of the Local Government unnecessary or undesirable

or:

- position as a member of the committee or has through negligence misconduct been responsible for the loss or misapplication of any money or property of the committee.
- $^{1}(f)$  in the case of elected member if he has since his election, become subject to any disqualification which if it had existed at the time of his election. would have rendered him ineligible under any rule for the time being in force regulating the qualifications of candidates for election, or if it appears that he was at the time of his election subject any such disqualification.
- <sup>2</sup>(g) if, being a legal practitioner, he acts or appears in any legal proceeding on behalf of any person against the committee or on behalf of or against the Crown or the Secretary of State for India in Council where in the opinion of the Local Government such action or appearance is contrary to the interest of the committee:

Old

New

Provided that when the (Local Government) proposes

<sup>3</sup>Provided that before the Local Government notifies

Old clause (f) has been omitted and old clause (g) has been re-lettered by section 7 (i) of Punjab Act III of 1933.
 Inserted by section 7 (1) of Punjab Act III of 1933.
 Substituted by section 7 (1) of the Punjab Act III of 1933.

to take action under the foregoing provisions of the section an opportunity of explanation shall be given to the member concerned.

removed person under this section or whose seat has been vacated under the provisions of section 14 (e) or whose election has been declared void for corrupt practices or intimidation under the provisions of any rule by the Local Gov • ernment under section 240, or whose election the (Local Government under section 24, refused to notify, shall be disqualified for election unless and until the (Local Government) shall wise direct:

the removal of a member under this. section, his proposed for reason removal shall be communicated to the member conshall be cerned, and he given and opportunity tendering an explanation in writing.1

<sup>2</sup>(2) A person removed under this section or whose seat has been vacated under the provisions of section 14 or whose election appointment has been deemed to be invalid under the provisions of sub-section (2) of section 24, or whose election has been declared void for corrupt practices or intimidation under the provisions of section 255 or whose election the Local Government has under section 24 refused to notify, be shall disqualified for election for a period exceeding five years:

Provided that a person whose election or appointment has been deemed to be invalid under the provisions of subsection (2) of section 24 shall not be disqualified for election or appointment for a period exceeding two years from the date of disqualification.

Old

New

17. (1) Whenever a vacancy occurs by the death, resignation or removal otherwise than under the provisions of section 14 (e)

17. (1) Whenever a vacancy occurs by the death, resignation or removal otherwise than under the provisions of section 14 (e) of any elected member

<sup>1.</sup> The "Semicolon" and word "and" deleted by section 3 (ii) of Punjab Act I of 1934.

2. Substituted by section 7 (2) of Punjab Act III of 1939.

of any elected member a new member shall be elected in accordance with the rules made under this Act to fill the place: or by vacation of his seat under the provisions of subsection (5) of section 13 a new member shall be elected in accordance with the rules made under this Act to fill the place:

Provided that the Local Gevernment may direct in any such case that the vacancy shall be left unfilled:

Provided further that if no qualified candidate appears for election, the Local Government may appoint a member to fill the vacancy.

- (2) Upon the death, resignation or removal of any appointed member, or when a member's seat has been vacated under the provisions of section 14 (e), the Local Government may, if it shall think fit, fill his place either by appointment or by election.
- (3) Every person elected or appointed to fill a casual vacancy shall hold his seat for the time for and subject to the conditions upon which it was tenable by the person in whose place he has been so elected or appointed, and no longer: but he may, if otherwise qualified, be re-elected or re-appointed.

#### NOTES.

When a vacancy is caused by the resignation of a member and election is to be held to fill that post, the retiring member cannot seek re-election for in section 17 (1) the words are 'a new member shall be elected.'

18. Every committee shall be a body corporate by Incorporation of comthe name of the municipal committee of its municipality: and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and subject to the provisions of this Act, or of any rules made thereunder to transfer any property held by to contract and to do all other things necessary for the purposes of its constitution; and may sue and be sued in its corporate name.

<sup>1.</sup> Inserted by section 3 of the Punjab Act III of 1933.

### NOTES.

Sections 11 to 18 deal with the procedure that is to be adopted for the formation of committees within the municipalities.

Officers, servants and members to be public servants.

Officers, servants and members to be public servants.

Officers, servants and part of his time, and every member of the committee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

## NOTES.

By virtue of this section when a municipal employee is accused of an offence committed by him in the discharge of his duty, he is not to be tried summarily though law prescribes summary trial for that offence. A. I. R. 1932 Lah. p. 188.

Moreover sanction of Government is required under section 197, Cr. P. C. before prosecution of a member for offence committed by him in the discharge of his duty as a member of municipal committee.

# President and Vice-President.

Election or appointment of president and vice-president.

case of a first class committee, or by the Commissioner in the case of a second class committee, become president of the committee:

Provided that the committee, instead of electing a president and submitting his name for approval to the Local Government or the Commissioner, may apply to the Local Government or the Commissioner, as the case may be, to appoint a president from among its members, and that the Local Government may by notification, exclude any committee from the operation of this sub-section and then in either of these cases, or if no election has been made within one month from the occurrence of a vacancy in the office of president, or if the person elected be not approved, the Local Government or the Commissioner, as the case may be, may, if it or he shall think fit, appoint one of the members of the committee to be president.

(2) Every committee may also, from time to time,

Substituted by section 8 of Punjab Act II of 1923.

elect one or two of its members to be vice-president or vice-presidents and when two vice-presidents are elected on the same date, shall declare which of them shall be deemed to be the senior.

- (3) Every member elected or appointed under this section to be president or vice-president may be elected or appointed by office if he was appointed a member of the committee in the same way.
- Term of office of president and vice-president.

  Term of office of president and vice-president.

  Term of office of president by virtue of his office, the person for the time being holding the office shall be president until the Local Government shall otherwise direct.
- (2) The term of office of a president elected or appointed by name or elected by virtue of his office shall be three years or the residue of his term of office as member, whichever is less.
- (3) The term of office of a vice-president shall be such term as the committee may by bye-law fix.
- (4) An outgoing president or vice-president shall, if otherwise qualified, be again eligible for election or appointment.

Old

22. Whenever a president vacates his seat or tenders in writing to the committee his resignation of his office, he shall vacate his office, and any president or vice-president may be removed from office by the Local Government in pursuance of a resolution to that effect passed by two-thirds of the members of the committee:

New

Whenever a presi-<sup>1</sup>22. dent or vice-presi-Resignation dent vacates his of president or vice-preseat or tenders in writing to the committee his resignation of his office, he shall vacate his office; and any president or vice-president may be removed from office by the Local Government on the ground of abuse of powers or of habitual failure to perform his duties or in pursuance of a resolution requesting his removal passed by two-thirds of the members of the committee:

<sup>1.</sup> Substituted by S. 9 of Punjab Act III of 1933.

Provided that before the Local Government notifies his removal, the reason for his proposed removal shall be communicated to him by means of a registered letter in which he shall be invited to tender within twenty-one days an explanation in writing, and, if no such explanation is received in the office of the Secretary, Transferred Departments, within twenty-one days of the despatch of the said registered letter, the Local Government may proceed to notify his removal.

Casual vacancies in office of president a new president or vice-president.

Casual vacancies in office of president a new president or vice-president shall be elected or appointed in manner provided by section 20.

Notifications of elections and appointments.

Old

New

24. Every election and appointment of a member or president of a committee shall be notified, in the case of a municipality of the first class, by the Local Government, and, in the case of a municipality of the second class, by the Commissioner of the division, and no such election or appointment shall take effect until it has been so notified: Provided that the Local Government and, in the case of any municipality of the second class, the Commissioner, with the presanction of Local Government, may refuse to notify the election of any person who could be removed from office by the Local Government under any of the provisions section 16 or of any person

<sup>1</sup>24. Every election and appointment of a Notification of elections. member or presiappointdent of a commitments and tee shall be notified, in the case of a municipality of the first class by the Local Government, and in the case of a municipality of the second class, by the Commissioner of the division. and no member shall enter upon his duties until his election or appointment has been so notified and until, notwithstanding anything contained in the Indian Oaths Act, 1873, he has taken or made, at a meeting of the committee, an oath or affirmation of his allegiance to the Crown, in the following form, namely:

I, A.B., having been elected or (appointed) a member

<sup>2.</sup> Substituted by S. 10 of Punjab Act III of 1933.

whom the Local Government for any reason which it may deem to affect the public interest may consider to be unfitted to be a member of the committee, and, upon such refusal, the election of such person shall be void. of the municipal committee of........ do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King-Emperor of India, his heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.'

- (2) If any such person omits or refuses to take or make the oath or affirmation as required by sub-section (1) within three months of the date of the notification of his election or appointment. his election or appointment, as the case may be, shall be deemed to be invalid unless the Local Government for any reason which it may consider sufficient extends the period within which such oath or affirmation may be taken or made.
- (3) If an election is deemed to be invalid under the provisions of sub-section (2) a fresh election shall be held; and if an appointment is deemed to be invalid under the provisions of sub-section (2) the Local Government shall appoint another person:

Provided that the Local Government or, in the case of any municipality of the second class the Commissioner, with the previous sanction of the Local Government, may refuse to notify the election as member of any person who could

be removed from office by the Local Government under any of the provisions of section 16, or of any person whom the Local Government for any reason which it may deem to affect the public interests may consider to be unfitted to be a member of the committee and, upon such refusal, the election of such person shall be void.

# Conduct of business.

25. (1) Every committee shall meet for the trans-Times for holding action of business at least once in every meetings. month at such time as may, from time to time, be fixed by the bye-laws.

# Old

(2) The president or, in his absence, a vice-president may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

### New

(2) The president or, in his absence, [or during the vacancy of the office] a vice-president may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

Ordinary and special **26**. (1) Every meeting of a commeetings. special.

- (2) Any business may be transacted at an ordinary meeting unless required by this Act or the rules to be transacted at a special meeting.
- <sup>2</sup>(3) When a special and an ordinary meeting are called for the same day, the special meeting shall be held

Inserted by Sec. 11 of Punjab Act III of 1938.
 Added by section 12 of Punjab Act III of 1938.

as soon as the necessary quorum is present.

27. (1) The quorum necessary for the transaction of business at a special meeting of a committee shall be one-half of the number of the committee actually serving at the time, but shall not be less than three.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time, be fixed by the bye-laws, but

shall not be less than three:

Provided that, if at any ordinary or special meeting of a committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he may think fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at the adjourned meeting whether there be a quorum present thereat or not.

## NOTES.

The words actually serving at the time are important. It means that when a vacancy has occurred in the seat of a member owing to resignation, death or removal and no one has succeeded to that vacancy, that vacant post of member is not to be counted in determining quorum necessary for a meeting.

- 28. At every meeting of a committee the president, if present, or, in his absence or during the vacancy of his office, the senior vice-president, and if there be no president or vice-president present, then such one of their number as the members present may elect, shall preside as chairman.
- 29. Except as otherwise provided by the Act or vote of majority the rules, all questions which come before any meeting of a committee shall be decided by a majority of the votes of the members present, the chairman of the meeting in case of an equality of votes, having a second or casting vote.
- 30. (1) Minutes of the proceedings at each meeting
  Record and publication of a committee shall be drawn up and of proceedings. recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be published in such manner as the Local Government may direct, and shall,

at all reasonable times and without charge, be open to inspection by any inhabitant.

(2) A copy of every resolution passed at any meeting of a committee shall within three days from the date of the meeting, be forwarded to the Deputy Commissioner.

# Old

31. (1) Every Committee may, from time to time, make bye-laws consistent with this Act and with the rules as to—

# New

- 131. (1) Every committee

  Bye-Laws. may, from time
  to time, and shall,
  if so required by the Local
  Government, provide by
  bye-laws consistent with this
  Act and with the rules for—
- (a) the time and place of its meetings;
- (b) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;
- (c) the quorum necessary for the transaction of business at ordinary meetings;
- (d) the conduct of proceedings at meetings and the adjournment of meetings;
- (e) the custody of the common seal and the purposes for which it shall be used;
- (f) the appointment of sub-committees and their duties, the division of duties among the members of the committee and the powers to be exercised by such members as are primarily responsible for the current executive administration, whether presidents, vice-presidents, members of sub-committees or individual members;
- (g) the persons by whom receipts shall be granted on behalf of the committee for money received under this Act;
- <sup>2</sup>(gg) the conditions on which registers, documents, maps and plans of the committee may be

Substituted by Sec. 13 (a) (i) of Punjab Act III of 1933.
 Inserted by Sec. 13(a) (i) of Punjab Act III of 1933.

inspected by the public, and copies of them supplied, and the fees payable for such inspection or for the supply of such copies;

- (h) the appointment, duties, executive powers, leave, suspension and removal of its officers and servants;
- (i) the term for which a vice-president shall hold office;
- (j) appeal from executive orders of sub-committees, the president, vice-president, members, officers and servants of the committee; and
- (k) all other similar matters.

Old

New

(2) No bye-law made under clause (c) or clause (f) of sub-section (1) shall take effect until it has been approved by the Local Government.

"(2)¹ No bye-law made under clause (c) or clause (d) or clause (f) of sub-section (1) shall take effect until it has been approved by the Local Government."

(3) Every bye-law made under this section shall be published in such manner as the Local Government may direct.

Delegation of powers.

Old

New

32. (1) In the case of municipalities of the second class, the powers and functions of the (Local Government) under section 12 in regard to the appointment of members of committees, under clause (b) of section 14, under sections 15 and 17 and under sub-section (2) of section 31, and in the case of notified areas, the powers

**32**. (1)  $I_n$ the case municipalites Delegation of certain the second powers and the powers an d functions of Local functions of the vernment. Local Government under Section 12 in regard to the appointment of members of committees, [under sub-section (1)section] 13 under clause (b) of section 14, under sections 15

Substituted by Sec. 13 (b) of Punjab Act III of 1933.
 Inserted by Sec. 14 of Punjab Act III of 1933.

and functions of the Local Government under section 242 in regard to the appointment of members of committees may be delegated by the Local Government to the (Commissioner of the division).

- and 17 and under sub-section (2) of section 31, (1) ¹(and under section 41) and in the case of notified areas, the powers and functions of the Local Government under section 242 in regard to the appointment of members of committees, may be delegated by the Local Governautm to ¹[any person].
- (2) In regard to powers or functions delegated to him under this section, every Commissioner shall have the same authority as is given by this Act to the Local Government, and the delegation shall continue until revoked by the Local Government.
- (3) A delegation under this section may be of all or any of the powers and functions aforesaid, and may be made generally in regard to either all the municipalities, or all the municipalities of a particular class, within the division of the Commissioner, or it may be made particularly in regard to certain municipalities only.
  - (4) The delegation may be by name or by office.

Old

33. (1) Notwithstanding anything in this Act, every committee may, subject to the provisions of section 46, with the previous sanction of the Local Government, in the case of committees of the first class, and of the Commissioner in the case of those of the second class, by resolution, delegate:—

(a) to the president, a vicepresident, the (secretary) or a sub-committee all or any of the powers conferred upon the committee by sections 39, 72, New

33. Notwithstanding anything Delegation in certain Act, every compowers and function of mittee may, subcommittees. ject to the provisions of section 46 with the previous sanction of the Local Government in the case of committees of the first class, and of the Commissioner in the case of those of the second class, by resolution delegate:

(a) the president, a vice-president, the Secretary or a subcommittee all or any of the powers conferred upon the 75, 77, 97, 98, 101, 105, 109 (1), 113, 114, 115, 115-A, 117, 118, 119, 122, 124, 126, 128, 131, 142, 143, 145 (b) and (c), 166, 169 (c), 170, sub-sections (1) and (2) of 170-A, 173, 176, 191, 203 to 208 (both inclusive), 210, 211, 212, and 220;

(b) to the Medical Officer of Health all or any of the powers conferred upon the committee under sections 39, 105, 109, 113, 114, 115, 115-A, 116, 117, 118, 119, 125, 126, 128, 131, 142, 143, clauses (b) and (c) of 145, 149, 166, 203, 204, [clause (b)], 206, 208 &211; and the powers conferred on the committee under section 212 so far as they may be applicable and to the Civil Surgeon of the district or to any officer of the Department of Public Instruction all or any of powers conferred upon the committee under section 39;

in respect of all or particular classes of cases arising under these sections, and may, with the like sanction, by resolution, withdraw the powers so delegated. committee by sections 39, 72, 75, 77, 97, 98, 101, 105, 109 (1), 110, 113, 114, 115, 115-A, 17, 118, 119, 122, 124, 126, [127], 128, [129, 130] 131, [146], 142, 143, 145, (b) and (c), 166, 169 (c), 170, 170-A (i) and (2) [172 (2)], 173, 176, 191, 195-A, 203 to 208 both inclusive, 210, 211, 212 and 220;

- (b) to the Medical Officer of Health all or any of the powers conferred upon the committee under sections 39, 105, 109, 113, 114, 115, 115-A, 116, 117, 118, 119, 125, 126, 128, 131, 142, 143, [144], clauses (b) and (c) of 145, [146], 149, [155, 156, 157], 166, [182], 203, 204, clause (b) of 205, 206, 208, 211 and 212.
- (c) and to the Inspector-General of Civil Hospitals, Civil Surgeon of the district or any officer of the Department of Public Instruction or Public Health all or any of the powers conferred upon the committee under section 39.
- (d) and to the Municipal Engineer the powers conferred upon the committee under section 195-A, and under section 195, except to the extent that composition under that section shall require the sanction of the committee;

in respect of all or particular classes of cases arising under these sections, and for the whole or any part of the municipality, and may, by resolution, withdraw the power so delegated.

(2) the delegation by the committee of any power under sub-section (1) may be made subject to the condition that all or any orders made in pursuance of such delegation shall be subject to the right of appeal to, or revision by, the committee within such period as may by bye-law be prescribed.

#### NOTES.

Previous sanction of the authorities mentioned in this section before delegation of powers is necessary. If delegation is made without such permission delegation is invalid and of no use. A. I. R. 1924 Lah., p. 80. Moreover delegation must be in writing and must contain powers and duties that are delegated. Sections should also be mentioned under which powers are delegated.

Municipal Engineer can not be delegated any power by committee to incur expenditure. Wherever Executive Officers Act has been made applicable, this section has been rendered inoperative and no delegation can be made under this section.

- Appointment of wards Government and subject to such consub-committee. ditions as to the Local Government may prescribe, a committee may appoint the elected members for any one or more wards, along with such appointed members as the Government may approve, to be a subcommittee for the management of the ward or wards, and may delegate to the sub-committee all or any of the powers of the committee to be exercised within the ward or wards.
- (2) The sub-committee shall, if necessary, from time to time, appoint one of its members to be chairman of the sub-committee.

New

(1) In cases of emergency the president or, in his absence or during the vacancy of his office, a vicepresident may direct the execution of any work or the doing of any act which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work doing such act shall be paid from the municipal fund:

Provided that every direction given under this section shall be reported to the next following meeting of committee.

<sup>1</sup>35. (1)On the occurrence orthreatened Extraordioccurrence of any nary powers of president event involving or vice-preor likely to insident case o f volve extensiva emergency. damage to property or danger to human life or grave inconvenience to the public, the president or, in the absence of the presidentor during vacancy of his office, a vicepresident may, if opinion there is an emergency necessitating action before the matter can be considered by the mittee, direct the execution of any such work or the doing of any such act which

the committee is empowered

opinion justify or require, and may direct that the expense of executing such work or doing such act be paid from the municipal

shall

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the

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to execute or

emergency

fund:

Provided that every such action taken under this section shall be reported to the committee at its next meeting.

- (2) The president or vice-president shall not act under this section in contravention of any order of the committee.
- (3) The president or, in his absence or during the vacancy of his office, a vice-president may prohibit, until

Substituted by Section 16 of Punjab Act III of 1983.

the matter has been considered by the committee, the doing of any act which is in his opinion undesirable in the public interest: provided that the act is one which the committee has power to prohibit.

(4) No direction given in this section shall be questioned in any court on the ground that the case was not one of emergency.

### Joint Committees

36. A committee may concur with any other committee, or with any district board, or with any cantonment authority, or with more than one such committee, board or authority in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested, and in delegating to any such joint committee any power which might be exercised by either or any of the committees, boards or authorities concerned, and in framing or modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating thereto.

# Defects in constitution and irregularities.

Vacancies and irregularities not to invalidate proceedings.

on account of any defect or irregularity not affecting the merits of the case.

## NOTES.

If a member does not take oath of allegiance as required by section 24 of the Act, the remaining members are not debarred from conducting the affairs of committee. He will be considered a member of the committee though he cannot take part in the committee. 14 Lah., p. 461.

This section relates to technical objections and mere irregularities affecting the merits of case.

Old

New

- (1) Every committee shall, from to time, at a special meeting, appoint one of its members, or any other person approved by the Commissioner, to be its secretary, and may, at a like meeting, remove any person so appointed.
- 38 <sup>1</sup>(1) Every committee shall from time to Appointment of time, at a special secre tar y, Medical offimeeting, appoint, cer of health subject to the cr Engineer. approval of the Local Government in the case of a municipality of the first class and of the Commissioner in the case of a municipality of the second class, one of its members, or any other person to be its Secretary, and may, at a like meeting, suspend, remove, dismiss or otherwise punish any person so appointed.
- <sup>2</sup>(2) The committee may, and shall when so required by the Local Government, appoint at a special meeting, a person or persons approved by the Local Government to be its Medical Officer of Health or Engineer, and may assign to him or them such remuneration as it may think fit and may at a special meeting remove or dismiss any person so appointed:

Provided that a Medical Officer of Health towards whose emoluments a contribution is made by the Local Government shall not be appointed or dismissed without the previous sanction of the Local Government.

<sup>3</sup>(3) When a member of the committee is appointed secretary, he shall receive no remuneration in respect of his services. When any other person is appointed secretary, the committee may, with the previous sanction of the Commissioner, assign to him such <sup>4</sup>remuneration as it may think fit.

Substituted by section 17 of Punjab Act III of 1933.

<sup>2.</sup> Added by

Ditto.

<sup>3.</sup> Renumbered as sub-section (3) which was previously known as sub-section 2 by section 17 of Punjab Act III of 1933.

<sup>4.</sup> Substituted for the word "pay" by section 11 of Punjab Act II of 1923,

Old

39. Subject to the provisions of this Act and the rules and bye-laws made a committee thereunder, may employ such other officers and servants as may be necessary and proper for the efficient execution of its duties, and may assign to such officers and servants such remuneration as it may think fit and may remove, or officer any dismiss, servant so appointed.

New

39. Subject to the provisions of this Act Employand the rules and ment of other officer bve-laws made and servants thereunder, committee may [and if required by the Local Government shall, employ other officers and servants, and may assign to such officers and servants, such remuneration as it may think fit, and may [suspend], remove, dis-

miss [or otherwise punish] any officer or servant so

A Government official who has been continuously employed by the committee from Dismissal of Governthe commencement of the Punjab ment officials. Municipal Act, 1884, and who is in the employment of the committee at the commencement of this Act shall not be dismissed from that employment without the sanction of the Local Government.

appointed.

Old

41. If, in the opinion of the Deputy Commissioner, or, where the Deputy Commissioner is a member of the committee, or the Commissioner, any officer or servant employed by the committee is unfit for his employment, the committee shall on the requirement of the Deputy Commissioner or New

If, in the opinion of <sup>3</sup>41. the Local Govern-Power to ment, any officer demand or servant of the punishment or dismissal. committee is negligent in the discharge of his duties, the committee shall, on the requirement of the Local Government, suspend, fine, or otherwise punish him and if in the opinion of the Local Government he is unfit for his emthe committee ployment, shall dismiss him.

Provided that the officer

Commissioner, as the case

may be, dismiss him:

Substituted by section 18 of Punjab Act III of 1933. The Act was repealed by Act XX of 1891, which has been repealed by Punjab Act III of 1911. 3. Substituted by section 19 of Punjab Act III of 1933

or servant or the committee may appeal to the Commissioner against a requirement made by a Deputy Commissioner to the Local Government against a requirement made by a Commissioner and the decision of the Commissioner or the Local Government as the case may be on any such appeal shall be final."

Powers to prevent extravagance in establishment.

Powers to prevent number of persons employed by a committee as officers or servants, or whom the committee may propose to employ as such, or the remuneration assigned by the committee to those persons or any of them is excessive, the committee shall, on the requirement of the Commissioner, reduce the number of these persons or the remuneration, as the case may be:

Provided that the committee may appeal against any such requirement on any such appeal shall be final.

- 43. (1) If an officer or servant of a committee is Pensions, leave allowances and provident may—
  - (a) if his services are wholly lent to it, contribute to his pension, gratuity, and leave allowance in accordance with any general or special orders of the Governor-General in Council in force for the time being; and
  - (b) if he devotes only a part of his time to the performance of duties on behalf of the committee contribute to his pension, gratuity and leave allowances in such proportion as may be determined by the Local Government.
- (2) If an officer or servant of a committee is not a Government official, the committee may, subject to such conditions as the Local Government may prescribe,
  - (a) grant him leave, absentee or acting allowance;

Old

- (b) if his pay is less than twenty rupees a month, grant him a gratuity on retirement; or
- (b) If his pay is less than twenty rupees a month either permit him to contribute to a provident or annuity fund established under (c) or grant gratuity retirement; or

New

- (e) establish and maintain a provident or annuity fund, and compel him to contribute thereto; or
- $^{1}(\epsilon)$  if his pay is over twenty rupees a month establish and maintain a provident or annuity fund and compel him to contribute thereto; or
- (d) where such a fund has not been established or where such a fund has been established, but he has been contributing thereto for less than the whole of his service, grant him a gratuity or purchase or arrange for an annuity for him on his retirement.
- (3) With the sanction of the Local Government, the committee may give an extraordinary pension or gratuity—
  - (a) to any officer or servant injured in the execution of his duty;
  - (b) to the family of any officer or servant who is killed in the execution of his duty or whose death is due to devotion to duty.
- (4) A pension, gratuity or annuity shall not exceed the sum to which, under any general or special orders of the Governor-General in Council for the time being in force such officer or servant or his family would be entitled if the service had been service under Government.
- 44. (1) If a person serving or having served under a committee has been or is transferred Pension, etc. in case of from or to the service of Government or service partly under is partly employed by the Government Government and partly and partly by a committee, the commitunder committee.

Substituted by section 20 of Punjab Act III of 1983.

tee shall contribute to his pension and leave allowances to the extent required by the rules in force for the time being made by the Governor-General in Council in this behalf.

- <sup>1</sup>(2) In the absence of a written contract to the contrary the committee may dispense with the services of any such person by giving the Local Government one month's previous notice.
- A5. (1) In the absence of a written contract to the contrary, every officer or servant employed by a committee shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged during a period of probation or for misconduct or was engaged for a specified term and discharged at the end of it.

O7d

(2) Should any officer or servant employed by a committee, in the absence of a written contract authorizing him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the committee, he shall be liable to forfeit a sum not exceeding one month's wages out of any wages due to him.

New

<sup>2</sup>(2) Should an officer or servant employed by a committee, in the absence of a written contract authorising him so to do, and without reasonable cause, resign his emloyment or absent himself from his duties without giving one month's notice to the committee, he shall be liable to forfeit a sum not exceeding one month's wages out of any wages due to him. and if no wages or less than one month's wages are due to him he shall be liable to a penalty not exceeding wages for one month or an amount equal to the difference between one month's wages and wages due to him, which shall be recoverable in the manner provided by section 81.

(3) Should any sweeper employed by a committee, in the absence of a written contract authorizing him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's

Substituted by section 14 of Punjab Act II of 1923.
 Substituted by section 21 of Punjab Act III of 1933.

notice to the committee, or neglect or refuse to perform his duties or any of them, he shall be liable to imprisonment which may extend to two months.

(4) The Local Government may, by notification, direct that, on and from a date to be specified in the notification the provisions of sub-section (3) with respect to sweepers shall apply also to any specified class of servants employed by any committee whose functions intimately concern the public health or safety.

## Contracts.

- 46. (1) The committee of any municipality of the first class may, subject to the provisions of this Act, delegate to one or more of its members the power of entering on its behalf into any particular contract whereof the value or amount does not exceed five hundred rupees, or into any class of such contracts.
- (2) No contract by or on behalf of any committee whereof the value or amount exceeds five hundred rupees shall be entered into until it has been sanctioned at a meeting of committee.

### NOTES.

This section has no application to committee to which Executive Officers' Act has been made applicable.

Sanction of a contract by committee is essential in order to bind committee. There is no contract in law if the executed contract varies from the sanctioned contract.

47. (1) Every contract made by or on behalf of the Mode of executing concrete and transfer of first class whereof the value or amount property.

exceeds one hundred rupees, and every contract made by or on behalf of the committee of any municipality of the second class whereof the value or amount exceeds fifty rupees, shall be in writing, and must be signed by two members, of whom the president or a vice-president shall be one, and countersigned by the secretary:

Provided that, when the power of entering into any contract on behalf of the committee has been delegated

under the last foregoing section, the signature or signatures of the member or members to whom the power has been delegated shall be sufficient.

- (2) Every transfer of immovable property belonging to any committee must be made by an instrument in writing, executed by the president or vice-president, and by at least two other members of committee, whose execution thereof shall be attested by the secretary.
- (3) No contract or transfer of the description mentioned in this section executed otherwise than in conformity with the provisions of this section shall be binding on the committee.

### NOTES.

This section is not applicable to municipalities to which Executive Officers' Act has been made applicable.

The provisions of this section are mandatory and must be strictly observed in the execution of contracts. When provisions of this section are not observed in the execution of a contract, it is not binding on the parties. 39 P. R. 1919, A. I. R. 1929 Lah., p. 472; A. I. R. 1933 Lah., p. 14.

According to the wording of the section it appears that committee can only raise the objection that the contract is not binding on it as it has not been executed as required by this section but in A. I. R. 1929 Lah., p. 742 it has been held that the other party can also raise objection that he is not bound by the contract as it has not been executed in accordance with the provisions of this section.

Remedy.—When contract has not been executed in accordance with this section and a party to the contract has done its part of the contract and the other party has derived benefit, other party is bound to compensate under sections 65 and 70 of the Indian Centract Act for the benefit derived.

Lease Contracts.—In case of a contract of lease not executed in accordance with the provisions of this act it has been held that the proper measure of compensation is the amount for which the property has been taken on lease unless any extentuating circumstance is proved. 13 Lah., p. 561.

Doctrine of part performance has no application in cases falling under this section for the provisions are mandatory.

Old

New

48. (1) If any member, officer or servant of a committee or of a joint committee is without the previous permission in writing of the Commissioner, directly or indirectly interested in any contract made with that committee, he shall be deemed to have committed an offence under the Indian Penal Code, Section 168:

**48**.  $(1)^1$  If any member, officer or servant Penalty on member, of a committee or officer or serof a joint commitvant being intere s t e d tee, without the in contract previous permismade with a committee. sion in writing of the Commissioner voluntarily renders himself interested in any contract made with. that committee, or if within one month of his becoming interested in any such contract he neither resigns nor obtains the permission in writing of the Commissioner for his remaining a member, officer or servant of the committee in spite of his interest in such contract he shall be deemed to have committed an offence under section 168 of the Indian Penal Code:

Provided that for the purpose of this sub-section a person who has been elected but whose election has not been notified shall be deemed to be a member.

(2) No member, officer or servant of a committee or of a joint committee shall by reason only of his being a shareholder in, or a member of, any incorporated or registered company, be held to be interested in any contract entered into between the said company and the committee or joint committee; but no such person as aforesaid shall take part in any proceedings of the committee or joint committee relating to any such contracts.

### NOTES.

This section has been enacted to prevent members, officers and servants of committees from taking undue advantage of their position A member of a committee is in the position of a trustee. He can not be expected to discharge his duty properly towards the public when he is himself interested in the matter however honestly he may

<sup>1.</sup> Substituted by section 22 of Punjab Act III of 1933.

try to discharge his duty as a member. This section has been enacted therefore to prevent members from being interested in any contract with the committee and yet be member of a committee.

The most important word in this section is interested in a contract. It means a financial interest with profit or hope of profit from contract as the object of the person interested. All. 1930, p. 38.

A person can become interested in two ways. He may himself render interested. In this case if he does not take previous permission in writing of Commissioner he is guilty of offence under section 168 I. P. C. A person may become interested by the doing of others. In this case he is either to resign or obtain permission within one month of his being interested from the Commissioner otherwise he commits offence under section 168 I. P. C.

If a member is guilty of an offence under section 168, I. P. C. previous sanction of Local Government before institution of complaint is no longer necessary in view of the amendment of section 197 Cr. P. C.; 8 Lah., p. 647.

# Privileges and Liabilities.

49. No suit shall be instituted against a committee, Suits against committee, or against any officer or servant of a committee, in respect of any act purporting to be done in its or his official capacity, until the expiration of one month next after notice in writing has been, in the case of a committee, delivered or left at its office, and in the case of an officer or servant, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left:

Provided that nothing in this section shall apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

# NOTES.

Similar provision is made by section 80 C. P. C. when a suit is to be instituted against Secretary of State for India in Council or against a Government Servant for any act done by him in the discharge of his official duties. No suit can be brought against the Secretary of State for India in Council until the expiration of two months from the delivery of notice to the Collector of the district in which the act is committed or Secretary to the Local Government. Similarly against Government servant suit cannot be instituted until the expiration of two months from delivery of notice to him. This

section, i.e. 80 C. P. C. is not applicable to municipalities or its servants therefore this section has been enacted. A. I. R. 1930 Mad., p. 844. The underlying object of enacting this section is to give time to municipalities and its servants to consider over the acts and to make amends if they find that they are really in the wrong and cannot defend their actions in courts of law.

When a suit is brought against municipal committee in which two reliefs are prayed for and notice is essential to claim one relief and not for the other. The whole suit is not to be dismissed. Only that relief in such a case is to be given for which no notice is required.

Section 54 of the Specific Relief Act runs as follows:—Subject to the other provisions contained in, or referred to by this chapter a perpetual injunction may be granted to prevent the breach of an obligation existing in favour of the applicant, whether expressly or by implication.

When such obligation arises from contract, the court shall be guided by the rules and provisions contained in Chapter II of this Act.

When the defendant invades or threatens to invade the plaintiff's right to, or enjoyment of property, the Court may grant a perpetual injunction in the following cases (namely)—

- (a) where the defendant is trustee of the property for the plaintiff;
- (b) where there exists no standard for ascertaining the actual damage caused, or likely to be caused, by the invasion;
- (c) where the invasion is such that pecuniary compensation would not afford adequate relief;
- (d) where it is probable that pecuniary compensation cannot be got for the invasion;
- (e) where the injunction is necessary to prevent a multiplicity of judicial proceedings.

Explanation.—For the purpose of this section trade mark is a property.

When notice not necessary.—(1) According to the proviso no notice under this section is required to be served where a suit is brought against municipal committee for perpetual injunction.

(2) No notice is required under this section when suit for declaration that plaintiff is the owner of property which is alleged by

32

committee to be its own is brought against municipal committee, P. R. 1914.

(3) It has been held by other High Court, e. g., Bombay that no notice is required under this section, when suit arises out of a contract between plaintif and committee for contract is not an act done under this Act.

### Old

**50**. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a committee, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee; and a suit for compensation for the same may be instituted against him by the committee with the sanction of the Commissioner or by the Secretary of State for India in Council in such court, as the Local Government may direct.

#### New

(1) Every **50**. person shall be liable for Liability of the loss, waste the member of the commisapplication mittee. of any money other property belonging committee, if such loss, waste or misapplication is reported by the Examiner of Local Fund Accounts, or other audit authority empowered by the Local Government in this behalf to be a consequence of his neglect or misconduct in the performance of his duties while a member of the committee; and he may after being given opportunity an notice served in the manner provided for the service of the summonses in the Civil Procedure Code, to show cause by written or oral representation why he should not be required to make good the loss, be surcharged with the value of such property or the amount of such money by the Deputy Commissioner or, if the Deputy Commissioner is a member of the municipal committee, by the Commissioner, and if the amount is not paid within fourteen days from the expiry of the period of appeal prescribed by sub-section (2) the Collector at the request of the Deputy Commissioner or Commissioner, as the case may be, shall proceed forthwith to recover the amount as if it were an arrear of land revenue, and have it credited to the municipal fund.

(2) The person against whom an order under clause (1)<sup>1</sup> is made may, within thirty days of the notification of such order, appeal to the Commissioner from the order of the Deputy Commissioner, or if the order has been passed by the Commissioner, to the Local Government, who shall appoint an officer to hear the appeal; and the appellate authority shall have the power of confirming, modifying or disallowing the surcharge:

Provided that no person shall under this section be called upon to show cause after the expiry of a period of four years from the occurrence of such loss, waste or misapplication or after the expiry of one year from the time of ceasing to be a member:

Provided further that nothing in this section shall be deemed to debar the aggrieved party from seeking a remedy in a civil court against an order made under Subsection (1).<sup>2</sup>

### NOTES.

Liability of a member arises only when it is reported by Examiner of Local Fund Account or any other audit authority empowered by the Local Government that waste, misapplication or loss is the direct consequence of neglect or misconduct of that member.

<sup>1.</sup> Substituted by Sec. 4 (i) of Punjab Act I of 1934. 2. ", ", 4 (ii) ", "

# CHAPTER IV.

# MUNICIPAL FUND AND PROPERTY.

- 51. There shall be formed for each municipality a municipal fund, and there shall be place to the credit thereof.—
  - (a) all sums received by, or on behalf of, the committee under the Act or otherwise; and

Old

New

(b) all fines realized in ases in which prosecutions for offences committed withmunicipality in the instituted under this Act or the bye-laws made thereunder or under section 34 of the Police Act, 1861, or under the Prevention of Cruelty to Animals Act 1890, or under the Hackney Carriages Act, 1879, or the rules made thereunder or under any other Act or rules made under it, in which provision is made for the credit of such fines to the municipal fund.

(b) the balance (if any) standing at the credit of the municipal fund of the municipality at the commencement of the Act.

Application of fund. 52. (1) The committee shall set apart and apply out of the municipal fund—

(a) first such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it.

Old

New

(b) secondly, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions

<sup>2</sup>(b) secondly, such sum as the committee may be required by the Local Government to contribute towards the costs of such Local Self-

<sup>1.</sup> Substituted by Sec. 24 of Punjab Act III of 1983. Criginal clause (b) has been omitted and clause (c) has been re-lettered as clause (b).

1. Substituted by Sec. 24 of Punjab Act III of 1983. Criginal clause (b) has been omitted and clause (c) has been re-lettered as clause (b).

1. Substituted by Sec. 24 of Punjab Act III of 1983. Criginal clause (b) has been omitted and clause (c) has been re-lettered as clause (b).

as are referred to in sections 43 and 44, and such sum as may be required for the maintenance of a police establishment under Chapter VI:

Government Board or Inspectorate as the Local Government may establish for the purpose of advising, assisting and supervising the work of Municipal Committees and other local bodies:

Provided that such sum shall not exceed an amount equal to one per cent. of the income for the financial year preceding the year, in which the committee is called upon to make the contribution;

'(c) thirdly, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 43 and 44, and such sum as may be required for the maintenance of a police establishment under Chapter VI;

### NOTES.

Water work is a work of public utility and committees have been empowered under section 96 (2) of this Act to build and maintain water tanks outside municipal limits. When a committee erects water works outside municipality, sanction of the Commissioner is not necessary.

- (d) fourthly, such sum as may be required to pay the expenses incurred in auditing the accounts of the committee, and such portion of the cost of any public expenditure by the Government of India or the Local Government as may be held by the Local Government to be equitably payable by the committee in return for services rendered to it;
- \*(e) fifthly, such sum as the committee may be required by the Local Government to contribute towards the maintenance of pauper lunatics or pauper lepers sent from any place in the province to mental hospitals or public asylums whether in or outside the province;
- <sup>2</sup>(f) sixthly, such sum as may be due to Government in respect of the cost of maintenance by Government on behalf of committee, of water-works, drainage, sewage or other works.

<sup>1.</sup> Original Clause (b) has been re-lettered as clause (c) by section 25 of Punjab Act III of 1938.

2. Added by section 25 of Punjab Act III of 1933.

- (2) Subject to the charges specified in sub-section (1) and to such rules as the Local Government may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality and with the sanction of the Commissioner outside the municipality, namely:—
  - (a) the construction, maintenance, improvement, cleaning and repair of all public streets, bridges, town-walls, town-gates, embankments, drains, privies, latrines, urinals, tanks and water-courses;
  - (b) the watering and lighting of such streets or any of them;
  - (c) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of resthouses, sarais, poor-houses, markets, encamping grounds pounds, and other works of public utility, and the control and administration of public institutions of any of these descriptions;
  - (d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums and other educational or charitable institutions;
  - (e) the training of teachers and the establishment of scholarships;
  - (f) the giving of relief and the establishment and maintenance of relief works in time of famine or searcity;
  - (g) the supply, storage and preservation from pollution of water for the use of men or animals;
  - (h) the planting and preservation of trees; and the establishment and maintenance of public parks and garden;
  - (i) the taking of a census, the registration of births, marriages and deaths, public vaccination and an sanitary measure;

- (j) the holding of fairs and industrial exhibitions;
- (k) the preparation and maintenance of a record-ofrights in immoveable property; and
- (1) all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the committee, with the sanction of the Local Government, to be an appropriate charge on the municipal fund.
- <sup>1</sup>(3) Notwithstanding anything contained in the foregoing sub-sections of this Act no charges or expenses shall be paid from the municipal fund incidental to any matter which has been specifically declared by the Local Government by general or special order to be a matter in regard to which no expenditure shall be met from the municipal fund.
- <sup>2</sup>(4) Subject to the provisions of this Act and the rules and bye-laws made thereunder it shall be the duty of the president and of any member presiding at any meeting of the committee or of a sub-committee to disallow the consideration or discussion of any matter for which provision is not made in section 52 or any other section of the Act.
- 53. With the sanction of the Local Government a Payment of salary to salary of such amount as the Local president out of funds. Government may fix may be paid to the president of a committee not being a salaried officer of Government, out of the municipal fund.
- 54. (1) In places where there is a Government Custody of municipal treasury or sub-treasury or a bank to which the Government treasury business has been made over the municipal fund shall be kept in such treasury, sub-treasury or bank.

Old New

(2) In places where there is no such treasury, sub-treasury or bank, the municipal treasury or bank, the fund may be deposited with municipal fund may with

Added by section 25 of Punjab Act III of 1933.
 Added by section 25 of Punjab Act III of 1933.
 Substituted by section 26 of Punjab Act III of 1933.

any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Commissioner may in each case think sufficient.

the previous sanction of the Commissioner be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Commissioner may in each case think sufficient.

### NOTES.

By the amended Act sanction of the Commissioner before depositing municipal fund with any banker or person acting as a banker has been made necessary besides the security required under the old Act.

- (1) A committee may, from time to time, with the previous sanction of the Commissioner invest any portion of its municipal fund in securities of the Government of India, or invest it in such other securities or place it in such other manner as the Local Government may approve in this behalf, with the previous sanction of the Commissioner and vary such investment or placement for others of like nature.
- **55**. (1) <sup>1</sup>A committee may. Investment from time to time. with the previous sanction of Commissioner, invest any portion of its municipal fund in securities of the Government of India, or invest it in such other securities or place it in such other manner as the Local Government may approve in this behalf and vary such investment or placement for others of like nature.
- (2) The income resulting from such<sup>2</sup> securities<sup>3</sup> (or) (placements) and the proceeds of the sale of the same shall be credited to the municipal fund.

### NOTES.

Investment of municipal fund and its variation require sanction of the Commissioner.

76. (1) Subject to any special reservation made or Property vested to to any special conditions imposed by the Local Government all property of the

Substituted by section 27 of Punjab Act III of 1988.
 Substituted for the word "the" by Sec. 15 of the Punjab Act III of 1928.
 Inserted by Sec. 15 of Punjab Act II of 1928.

nature hereinafter in this section specified and situated within the municipality, shall vest in and be under the control of the committee, and with all other property which has already vested, or may hereafter vest in the committee, shall be held and applied by it for the purpose of this Act, that is to say:—

- (a) all public town-walls, gates, markets, slaughter-houses, manure and night soil depots and public buildings of every description which have been constructed or are maintained out of the municipal fund;
- (b) all public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

Old

New

- (c) all public sewers and (c) drains, and all sewers, drains, culverts and water courses in, alongside or under any street, and all works materials and things appertaining thereto;
- c) 'all public sewers and drains, and all sewers, drains, culverts and watercourses in or under any public street or constructed by or for the committee alongside any public street, and all works, materials and things appertaining thereto;
  - (d) all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind or dead bodies of animals, collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere or deposited in places fixed by the committee under section 154;
  - (e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;
  - () all land or other property transferred to the

<sup>1.</sup> Substituted by Sec. 28 of the Punjab Act III of 1933.

committee by the Government or acquired by gift, purchase or otherwise for local public purposes:

### Old

- New
- (g) all public streets, not being open spaces or lands owned by Government and the pavements, stones and other materials thereof, and also all trees, erections, material, implements and things provided for, such streets.
- all public streets not being land owned by Government and the pavements, stones and other materials thereof, and also trees growing on and erections, materials, implements and things provided for, such streets.
- (2) Where any immovable property is transferred otherwise than by the sale by the Local Government to a municipal committee for public purposes, it shall be deemed to be a condition of such transfer unless specially provided to the contrary, that should the property be at any time resumed by the Government, the compensation payable therefor shall, notwithstanding anything to the contrary in the Land Acquisition Act, 1894, in no case exceed the amount, if any, paid to the Government for the transfer, together with the cost or the present value, whichever shall be less, of any buildings erected or other works executed on the land by the municipal committee.
- <sup>2</sup>(3) The committee shall maintain a register and a map of all immovable property of which it is the proprietor, or which vests in it, or which it holds in trust for the Local Government.

### NOTES.

A well sunk as a charitable act and dedicated to the public is municipal property and municipal committee can use it as it likes. A. I. R. 1922, Lah. p. 167.

When a well is sunk by a private individual and public takes water from it since a long time say 30 years, the well does not become public well and therefore property of the committee for in India it is considered a meritorious act to allow public to take water, even from private wells. A. I. R. 1924, Lah. p. 511.

Substituted by Sec. 28 of the Punjab Act III of 1933.
 Inserted by Sec. 28 of the Punjab Act III of 1933.

Trees.—Only those trees vest in the committee which have either been planted or provided by the committee. Committee can sell and make profit out of them. Committee has power to remove even those trees which do not vest in it for it has full control over the sanitation and general management of municipal area. 38 I. C., p. 93.

Value of entry in the property register.—An entry in the municipal register that a particular property is municipal property, is not conclusive proof of the fact when claimant had neither any notice of such entry nor had consented to such entry being made. A. I. R. Lah. 1924, p. 511.

- 57. (1) The management, control and administration Management of public of every public institution maintained out of the municipal fund shall vest in the committee.
- (2) When any public institution has been placed under the direction, management and control of the committee, all property, endowments and funds belonging thereto shall be held by the committee in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed:

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Local Government:

Provided also that nothing in this section shall be held to prevent the vesting of any trust property in the Treasurer of Charitable Endowments under the Charitable Endowments Act, 1890.

58. When any land, whether within or without the limits of a municipality, is required for the purposes of this Act, the Local Government may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1894, and on payment by the committee of the compensation awarded under that Act, and of any other charges incurred in acquiring the land, the land shall vest in the committee.

Explanation.—When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites

of the buildings to be erected on both sides of the street, and such land shall be deemed to be required for the purposes of this Act.

59. The committee may, with the sanction of the Transfer to crown of Local Government, transfer to His property vesting in com- Majesty any property vesting in the committee. committee under section 56 or section 57, but not so as to affect any trusts or public rights subject to which the property is held.

Saving of Act XI of affect the Local Authorities Loans Act, 1879

# CHAPTER V.

### TAXATIONS.

- 61. Subject to any general or special orders which Taxes which may be the Local Government may make in this behalf, and to the rules any committee may, from time to time, for the purposes of this Act, and in the manner directed by this Act, impose in the whole or any part of the municipality any of the following taxes, namely:—
- (1) (a) a tax payable by the owner, on buildings and lands—
  - (i) not exceeding twelve-and-a-half per centum on the annual value:
  - (ii) not exceeding in the municipalities of Simla, Dharmsala, Dalhousie and Murree, one anna and four pies, and elsewhere one anna, per square yard of the ground area; or
  - (iii) not exceeding in the municipalities of Simla, Dharmsala, Dalhousie and Murree, four rupees, and elsewhere three rupees, per running foot of frontage in streets or bazars:

Provided that in the whole or any part of the muni-

<sup>1.</sup> See now the Local Authorities Loan Act, 1914 (IX of 1914).

cipality of Simla there may be imposed both a tax on buildings and a tax on lands.

Provided further that in the case of lands and buildings occupied by tenants in perpetuity, the tax shall be payable by such tenants.

(b) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality;

Explanation.—A Government official or person holding an office under the Local Government or the Government of India or a local 'or other public authority shall be deemed to be practising a profession within the meaning of this sub-clause.

(c) a tax, payable by the owner, on all or any vehicles, animals used for riding, driving, draught or burden, and dogs, when such vehicles, animals used as aforesaid, and dogs are kept within the municipality;

# Old

New

(d) a tax, of the nature of a toll, on vehicles and animals used as aforesaid entering the municipality: <sup>2</sup>(d) a tax, payable by the employer, on menial domestic servants;

# Provided that:

- (i) no such tax shall be levied in respect of any vehicle or animal for which a tax is paid under clause (c);
- (ii) any owner of such vehicle or animal may compound for the tax by paying the cor-

<sup>1.</sup> The words "or other public" have been inserted by Sec. 29 (i) of Panjab Act III of 1933.

2. Old clause (d) has been omitted by Sec. 29 (ii), Punjab Act III of 193 and old clauses (e) and (f) have been re-lettered as (d) and (e).

responding tax under clause (c), if such tax is in force in the municipality;

(e) a tax, payable by the occupier of any building in respect of which the committee has, in exercise of the powers conferred by sections 159 to 165 of this Act, undertaken the house scavenging.

### NOTES.

Taxation.—By the new act tax payable by persons putting in applications to the committees for erecting buildings has been introduced.

Religious efferings—Income derived by a spiritual leader from offerings made by his disciple are assessable under this head as he is considered member of a learned profession. A. I. R. 1923 Lah., p. 167.

Similar expression is used in U. P. Municipalities Act, section 128 (1), clause IX. In A. I. R. 1924 All., p. 567 it has been held that carrying on a trade does not include working as a clerk. A person can only be said to be carrying on trade in the ordinary sense of the word when he is working for his own profit and not when he is in receipt of a fixed salary.

Before the enactment of the present act Government Officer, could not be asked to pay professional tax under this clause but by the addition of the explanation in the present Act Government officers who were exempt formerly, are required to pay professional tax now.

The most important word in the clause (c) is "kept." Committees can claim tax on those vehicles which are kept within municipal limits and not on those which are only plied within municipal limits and are kept outside municipal limits.

A person who does not use his car but keeps it within municipal limits is liable to pay this tax.

This clause does not empower committees to impose general scavenging tax without the previous sanction of the Local Government for this clause empowers committees to impose this tax regarding those houses whose scavenging committees have undertaken.

<sup>1</sup>(f) a tax payable by persons presenting building applications to the committee:

Provided that a committee shall not impose any tax without the previous sanction of the Local Government when—

- (i) it consists of members less than three-fourths of whom have been elected, or
- (ii) its cash balances have, at any time within the three months preceding the date of the passing of the resolution imposing the tax, fallen below Rs. 20,000 or one-tenth of the income accrued in the previous financial year, whichever amount shall be less.
- (2) Save as provided in the foregoing clause, with the previous sanction of the Local Government any other tax which under rules made under clause (a) of sub-section (3) of section 80-A of the Government of India Act, a local authority may be authorized to impose by any law made by the local legislature without the previous sanction of the Governor-General.
- (3) With the previous sanction of the Local Government and of the Governor-General in Council, any tax.
- Procedure in imposing pass a resolution to propose the imposition of any tax under section 61.
- (2) When such a resolution has been passed the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed, and the system of assessment to be adopted.
- (3) Any inhabitant objecting to the proposed tax may within thirty days from the publication of the said notice, submit his objection in writing to the committee; and the committee shall, at a special meeting take his objection into consideration.

<sup>1.</sup> Added by Sec. 29 (iii) of Punjab Act III of 1933.

<sup>2.</sup> Substituted by Sec. 30 of Punjab Act III of 1933.

# Old

- (4) If no such objection is received within the said period of thirty days or if all such objections having been considered as aforesaid are deemed insufficient, the committee may:—
- (a) in the case of a tax falling under clause (1) of section 61, direct that the tax be imposed and shall forward a copy of its order to that effect to the Local Government.
- (b) in the case of any other tax, forward its proposals to the Local Government, with the objections (if any) which have been submitted as aforesaid and its decision thereon.
- (5) The Local Government on receiving proposals forwarded under clause (b) subsection (4) may sanction or refuse to sanction the same or return it to the committee for further consideration.
- (6) When any such proposal which requires the sanction of further the Governor-General in Council has been sanctioned by the Local Government, it shall submit the same to the Governor-General in Council. with the objections (if any) received through the comand the Governormittee; General in Council may

- New
- (4) If the committee decides to amend its proposals or any of them, it shall publish a mended proposals, along with a notice indicating that they are in modification of those previously published for objection.

- (5) Any objections which may within thirty days be received to the amended proposals shall be dealt with in the manner prescribed in sub-section (3).
- (6) When the committee has finally settled its proposals, it shall, if the proposed tax falls under clauses (a) to (f) of sub-section (1) of section 61 direct that the tax be imposed, and shall forward a copy of its order to that effect through the Commissioner, to the Local Government and if the proposed tax falls under any other provision

sanction the proposal, or refuse to sanction it, or return it to the Local Government for further consideration.

- (7) (a) When a copy of an order under clause (a), subsection (4) has been received, or,
- (b) when a proposal has been sanctioned under subsection (5) or sub-section (6) the Local Government shall notify the imposition of the tax in accordance with such order or proposal, and shall in the notification specify a date not less than three months from the date of the notification, on which the tax shall come into force.

- (8) A tax leviable by the year shall come into force on the first day of January or on the first day of April or on the first day of October in any year, and if it comes into force on any day other than the first day of the year by which it is leviable shall be leviable by the quarter till the first day of such year then next ensuing.
- (9) A notification of the imposition of a tax under this

- it shall submit its proposals together with the objection, if any, made in connection therewith, to the Commissioner.
- (7) If the proposed tax falls under clause (a) of subsection (1) of section 61, the Commissioner after considering the objection received under sub-sections (3) and (5), may either refuse to sanction the proposals or return them to the committee for further consideration. or sanction them without modification or with such modification not involving an increase of the amount to be imposed, as he deems fit, forwarding to the Local Government a copy of the proposals and his order of sanction; and if the tax falls under sub-section (2) or (3) of section 61, the Commisshall submit sioner proposals and objections with his recommendations to the Local Government.
- (8) The Local Government on receiving proposals for taxation under sub-section (2) or (3) may sanction or refuse to sanction the same, or return it to the committee for further consideration.
- (9) When any such proposal which requires the

Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

further sanction of the Governor-General in Council, has been sanctioned by the Local Government, it shall submit the same to Governor-General in Council, with the objections (if any) received through the committee; and the Governor-General in Council sanction the proposal, refuse to sanction return it to the Local Government for further consideration.

- (10) (a) When a copy of an order of sub-sections (6) and (7) has been received, or
  - (b) when a proposal has been sanctioned under sub-section (8) or sub-section (9)

the Local Government shall notity the imposition of the tax in accordance with such order or proposal, and shall in the notification specify a date not less than three months from the date of the notification, on which the tax shall come into force.

- (11) A tax leviable by the year shall come into force on the first day of January or on the first day of April or on the first day of July, or on the first day of October in any year, and if it comes into force on any day other than the first day of the year by which it is leviable shall be leviable by the quarter till the first day of such year then next ensuing.
- (12) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of the Act.

### NOTES.

Notification relating to the imposition of a tax is conclusive evidence only when law requires that such notification should be made. If notification is made though not required by law, it is not conclusive evidence. A. I. R. Lah. 1927, p. 140=28 P. L. R., p. 57.

# Procedure for Assessing Immovable Property.

- Preparation of assessment list of all buildings and lands on which any tax is imposed to be prepared, containing:—
  - (a) the name of the street or division in which the property is situated;
  - (b) the designation of the property, either by name or by number sufficient for identification;
  - (c) the names of the owner and occupier, if known;
  - (d) the annual value, area or length of frontage on which the property is assessed; and
  - (e) the amount of the tax assessed thereon by the committee.

### NOTES.

Powers under this section are to be exercised by Executive Officers in those committees to which Executive Officers Act has been made applicable.

Publication and completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier, of property included in the list, and any authorized agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

### NOTES.

Powers under this section are to be exercised by Executive Officers in those committees to which Executive Officers Act has been made applicable.

Public notice of time fixed for revising assessment list.

Public notice of time publication of such assessment list give public notice of a time not less than one month thereafter, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

- (2) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice or orally or in writing at that time.
- 66. (1) After the objections have been enquired into and the persons making them have Settlement of list. been allowed an opportunity of being heard either in person or by authorised agent, as they may think fit, and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the year commencing on the first day of January or first day of April next ensuing as the committee may determine, or in the case of a tax then imposed for the first time for the period between the date on which the tax comes into force and such first day of January or April, as the case may be.
- (2) The list when amended under this section shall be deposited in the committee's office and shall there be open during office hours to all owners or occupiers of property comprised therein or the authorised agents of such persons, and a public notice that it is so open shall forthwith be published.
- Further amendments of assessment list.

  Further amendments of assessment list.

  It is by inserting the name of any person whose name ought to have been or ought to be inserted, or by inserting any property which ought to have been or ought to be inserted, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, whether on the part of the committee or of the assessee, or in the case of a tax payable by the occupier by a change in the tenancy, after giving notice to any person affected by the amendment, of a time, not less than one month from the date of service, at which the amendment is to be made.
- (2) Any person interested in any such amendment may tender his objection to the committee in writing be-

fore the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person, or by authorized agent, as he may think fit.

New list need not be prepared every year. Prepared every year. Prepared if for the whole or any party of the municipality a new assessment list every year, or to adopt the valuation and assessment contained in the list for any year with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving to persons affected by such alterations the same notice of valuation and assessment as if a new assessment list had been prepared.

# General Provisions.

Tax not invalid for defect of form.

Tax not invalid for defect of form.

Tax not invalid for defect of form.

Act shall be impeached or affected by reason of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax, or in the description of any property or thing liable to the tax, or of any mistake in the amount of assessment or tax, or by reason of any clerical error or other defect of form; and it shall be enough in any such tax on property or any assessment of value for the purpose of any such tax if the property taxed or assessed is so described as to be generally known and it shall not be necessary to name the owner or occupier thereof.

### NOTES.

By virtue of this section committee is not debarred from claiming the amount actually due if by mistake wrong amount is inserted in the demand notice.

- 70. (1) A committee may exempt, in whole or in Powers of the committee in regard to taxes.

  Powers of the committee in regard to taxes.

  part, for any period not exceeding one year, from the payment of any such tax, any person who by reason of poverty may in its opinion be unable to pay the same, and may renew such exemption as often as may be necessary.
- (2) A committee, by a resolution passed at a special meeting and confirmed by the Local Government, may—

<sup>1.</sup> Inserted by Sec. 18 of Punjab Act II of 1923.

- (a) provide that all or any persons may be allowed to compound for taxes imposed under <sup>1</sup>[Sub-clauses (c), (d) and (e) of clause (1) and under clauses (2) and (3)] of section 61;
- (b) abolish, suspend or reduce in amount any tax imposed under the foregoing sections; or
- (c) exempt in whole or in part from the payment of any such tax, any person or class of persons or any property or description of property.

### NOTES.

By virtue of this section committee cannot exempt any person from the payment of tax for more than one year at one time. Similarly renewal period cannot at one time exceed one year but there can be renewal of exemption indefinitely.

- 71. (1) The Local Government may by order

  Powers of the L-cal exempt in whole or part from the pay
  G vernment in regard to ment of any such tax any person or class of persons or any property or des
  cription of property.
- (2) If at any time it appears to the Local Government on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the committee to take within a specified period measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the Local Government the Local Government may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.
- 72. (1) When any property assessed to a tax under Remission of tax on unoccupied immoveable which is payable by the year or by instalments, has remained unoccupied and unproductive of rent throughout the year or the period in respect of which any instalment is payable, the committee shall remit the amount of the tax or of the instalment as the case may be:

Substituted for the words "under clause (B) (f) by section 4 of the Punjab Act I of 1925.
 Substituted by section 5 of Punjab Act I of 1925.

Provided that no such remission shall be granted unless notice in writing of the circumstances under which it is claimed has been given to the committee within the first month after the expiry of the period in respect of which it is so claimed.

- (2) When any such property as aforesaid—
- (a) has not been occupied or productive of rent for any period of not less than sixty consecutive days, or
- (b) consists of separate tenements, one or more of which has or have not been occupied or productive of rent for any such period as aforesaid, or
- (c) is wholly or in greater part demolished or destroyed by fire or otherwise,

the committee may remit such portion (if any) of the tax or instalment as it may think equitable.

- (3) The burden of proving the facts entitling any person to claim relief under this section shall lie upon him.
- (4) For the purposes of this section neither the presence of a care-taker nor the mere retention in an otherwise unoccupied dwelling-house of the furniture habitually used in it shall constitute occupation of the house.
- (5) For the purposes of this section a house shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.
- Duty of furnishing true information regarding liability to municipal taxation.

  Duty of furnishing true information regarding liability to municipal taxation.

  The property person shall on the demand of an officer duly authorised by the committee in this behalf furnish such information as may be necessary in order to ascertain whether such person is liable to pay any municipal tax; and every hotel or lodging-house keeper or secretary of a residential club shall also on demand made as aforesaid furnish a list of all persons residing in such hotel, lodging-house or club.
- (2) If any person so-called upon to furnish such information omits to do so or furnishes information which is

untrue, he shall be punishable with fine which may extend to one hundred rupees.

Notice to be given to the committee of all transfers of title of persons primarily liable to payment of property tax.

The committee of all for the payment of property taxes on such property is transferred the transferor and the transferee shall within three months of the registration of the ed, within three months of its execution, or if no instrument be executed, of the actual transfer, give notice in writing of such transfer to the committee.

- (2) Every person primarily liable for the payment of a tax on any property, who transfers his title to or over such property, without giving notice of such transfer to the committee as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all such taxes from time to time payable in respect of the said property until he gives such notice, or until the transfer shall have been recorded in the committee's books.
- 1(3) Whenever the title to or over any building or land has devolved upon any person by inheritance, the heir shall within three months of the date of the death of the former owner give notice in writing of such inheritance to the committee.
- (4) But nothing in this section shall be held to diminish the liability of the transferee or heir for the said taxes or to affect the prior claim of the committee for the recovery of the taxes due thereupon.

Power of entry for the purpose of valuation or taxation.

75. The committee may authorize any person—

(a) after giving twenty-four hours' notice to the occupier, or, if there be no occupier, to the owner of any building or land at any time, between sunrise and sunset, to enter, inspect and measure any building for the purpose of valuation;

<sup>1.</sup> Inserted by section 19 of Punjab Act II of 1923, and sub-section (3) renumbered sub-section (4).

- to enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act or for which license has not been duly taken out.
- **76.** Every person bringing or receiving within the octroi or 'terminal tax limits of any Power to examine municipality any article on which octroi articles liable to octroi. or terminal tax is payable, shall when required by an officer duly authorized by the committee in this behalf and so far as may be necessary for ascertaining amount of tax chargeable,
  - permit that officer to inspect, examine, weigh and otherwise deal with the article, and
  - communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.
- If any person, bringing or receiving con-**77**. (1) veyance or package within the octroi or Power to search where terminal tax limits of a municipality on octroi or terminal tax is which octroit or terminal-tax is or is believed to be leviable, shall refuse, on the demand of an officer authorized by the committee in this behalf, to permit the officer to inspect, weigh or otherwise examine the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi or 4terminal tax is payable, or shall refuse to communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article, or with the intention of defrauding the committee or a lessee under section 83 shall communicate any such information which is false or exhibit any such bill, invoice or document which is false, forged or fraudulent, he shall be punishable with a fine which may extend to fifty rupees.
- (2) Any such person may demand that the conveyance or package or both, as the case may be, shall be taken

Inserted by section 20 of Punjab Act II of 1923. Inserted for the Punjab by section 2 of Punjab Act I of 1922. Inserted by section 21, Punjab Act II of 1923. Inserted for the Punjab by section 3, Punjab Act I of 1922.

without unnecessary delay before a member of the committee or the secretary or a magistrate who shall cause the inspection to be made in his presence.

> 78. If animals or articles passing the octroi or terminal tax boundary of a municipality

Power to fix octroi or terminal tax limits and penalty for evasion of octroi or terminal tax.

are liable to the payment of a octroi or terminal tax then every person who, with the intention to defraud the com-

mittee or a lessee under section 83, causes or abets the introduction of, or himself introduces or attempts to introduce within the said octroi or terminal tax boundary any such animals or articles upon which payment of the octroi 30r terminal tax due on such introduction has neither been made nor tendered shall be punishable with fine which may extend either to ten times the value of such octroi 3 or terminal tax or to fifty rupees, whichever may be greater\*\*\*\*\*\*

### NOTES.

Refusal to pay octroi.—When a person refuses to pay octroi on any commodity on the ground that it is not liable to octroi, he cannot be convicted under this section. A. I. R. 1931 Lah., p. 752 = 32 P. L. R. 688.

In order to have a person convicted under this section committee must prove that the accused attempted to introduce dutiable articles within municipal limits with intent to defraud committee.

The person who is guilty under this section is the importer whether he is the owner or not of goods that are imported.

### Old.

78-A. When a cantonment authority, with the sanction of the Governor-General in Council or any municipal committee small town committee has agreed with the committee

# New.

78-A<sup>5</sup> (1) When a committee with the Extension sanction of the of taxation imits by Local Governagreement. ment has agreed with a Cantonment Authority or the Committee of

Substituted for the word "goods" by section 22 of Punjab Act II of 1923. Inserted by section 22 of Punjab Act II of 1923. Inserted for the Punjab by section 4 of Punjab Act I of 1922. Sub-section (2) repealed by section 22 (4) of Punjab Act II of 1923. Substituted by section 31 of Punjab Act III of 1933.

of an adjoining municipality or small town that in consideration of the payment of a lump sum or otherwise the same octroi or terminal tax limits shall be established for the contracting parties, the committee may fix limits under section 188 so as to include so much of the area controlled by the said contracting parties as it may deem necessary, and shall have the same powers of collecting octroi or terminal tax on animals or articles brought within such limits: and the provisions of this Act relating to octroi and terminal tax shall apply in the same way as if the said limits were wholly comprised in the area of the municipality.

adjoining Small Town or the Committee of an area notified under section 241 that in consideration of the payment of a lump sum or otherwise the same limits for octroi or terminal tax or any toll or tax shall be established for the contracting parties, the committee may fix limits under section 188 so as to include so much of the area controlled by the said contracting parties as it may deem necessary, and shall have the powers of collecting such toll or tax or octroi or terminal tax animals orarticles brought within such limits, and the provisions of this Act for the assessment and collection of such tax or toll or octroi or terminal tax shall apply in the same way as if the said limits were wholly comprised in the area of the municipality.

- (2) The total of the proceeds of such taxes or tolls made in the joint area of the municipality and cantonment or small town or notified area and the cost thereby incurred shall be apportioned between the municipal fund and the fund subject to the control of the Cantonment Authority or the committee of the Small Town or notified area in such proportion as shall have been determined by the agreement.
- 78-B.<sup>2</sup> When terminal tax is leviable on animals or articles conveyed out of the terminal tax limits, the provisions of sections 76, 77, 78 and 78-A shall be deemed, so far as may be, to apply in respect of the animals or articles so conveyed.

Inserted by section 5 of Punjab Act I of 1934.
 Added by section 23 of Punjab Act II of 1932.

- 79. Subject to the provisions of section 62 (7) and Taxes when payable (8) and 66, any tax imposed under this chapter and payable periodically shall be payable on such dates and in such instalments (if any) as the committee, with the previous sanction of the Deputy Commissioner, may from time to time direct.
- Recovery of payable by owner.

  Recovery of payable by owner.

  Payable by owner.

  Recovery of payable under this Act in respect of any property by the owner thereof, the committee shall cause a bill for the amount, stating the property and the period for which the charge is made to be delivered to the person liable to pay same.
- (2) If the bill be not paid within ten days from the delivery thereof, the committee may cause a notice of demand to be served on the person liable to pay the same, and, if he do not, within seven days from the service of the notice, pay the sum due with any fee leviable for the notice or show sufficient cause for non-payment, the sum due, with the fee shall be deemed to be an arrear of tax.
- (3) The amount of every such arrear, besides being recoverable in any other manner provided by this Act, shall, subject to any claim on behalf of His Majesty, be a first charge on the property in respect of which it is payable, and shall be recoverable, on application made in this behalf by the committee to the Collector, as if the property were an estate assessed to land revenue and the arrear were an arrear of such revenue due thereon:

Provided that nothing in this sub-section shall authorize the arrest of a defaulter.

- (4) If any tax or sum leviable under this Act from the owner is recovered from the occupier, such occupier shall, in the absence of any contract to the contrary, be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner.
- Recovery of taxes, or any other money claimable by a committee under this Act may be recovered on application to a magistrate having jurisdiction within the limits of the municipality, or in any other place where the person from whom the

<sup>1.</sup> Inserted by section 32 of Punjab Act III of 1933.

money is claimable may for the time being the resident, by the distress and sale of any moveable property within the limits of his jurisdiction belonging to such person. The costs of such proceedings shall be recoverable from the defaulter in the same manner as the said arrears.

<sup>1</sup>(2) An application made under sub-section (1) shall be in writing and shall be signed by the president, a vice-president, or the secretary of the committee, but it shall not be necessary to present it in person.

# NOTES.

The words "under this Act" have reference to the following sections of the Act:—

80, 84 (5), 97, 99, 106, 109(a), 121(3), 139, 167, 168, 170, 171 (2), 173 (2), 187, 188 (a), 188 (c), 197, 198, 203 (2).

Before the enactment of Act III of 1933 committees could not avail of this section to recover arrears of rent due to committees. They had to file regular suits to realise rents. Committees felt great difficulties. Section 81 has been now made applicable to arrears of rent therefore all rulings previous to the enactment of the present Act, which laid down that section 81 was not applicable to realise arrears of rent, are no long good. Legislature has not defined the word "rent" in the Act it is therefore to be interpreted in its ordinary sense. In order that any amount due to a committee from a person for the use of municipal land be called rent there must be agreement to give out land on one side and to take it on the other side. A. I. R. 1928 Oudh, p. 99.

This section is applicable to rent due under this Act and not to that which is due under lease not entered into under this Act. The words under this Act refer to section 188 (4) of this Act.

Similarly license fee can be realized under this section only when the person from whom this amount is to be realized has applied for the license and it has been granted. When neither a person has applied for the license nor it has been granted, steps cannot be taken under this section to realise the amount. A. I. R. 1934 Lah., p. 814.

Power of a magistrate while acting under this section.—The words used in the section are "claimable". The magistrate while acting under this section is therefore to see only that the tax claimed has been legally imposed by the committee. In other words he is to see that the committee is legally constituted and has observed all the formalities that are required by law to impose the tax regarding which arrears are due to committee. If he is satisfied regarding the legality, he is not to find out whether the amount claimed is actually due or not. When once the magistrate is satisfied about

<sup>1.</sup> Inserted by section 24 of Punjab Act II of 1923.

the legality he cannot refuse to act under this section. A. I. R. 1931 Lah., p. 572.

If the amount to be realised is tax and there is dispute regarding the amount claimed, aggrieved person can agitate this point in appeal by virtue of section S4 of this Act.

Revision.—This section being of a penal nature, order passed by a magistrate under this section can be revised by High Court in the exercise of its revisional powers.

Civil Court's Jurisdiction.—If the amount claimed is arrear of tax, aggrieved person may file appeal against it under section 84 of this Act. He can move the High Court to call for the record and cancel the order by exercising revisional power.

He can institute suit in a civil court which is competent to decide the legality or illegality of tax. 74 P. L. R. 1918, A. I. R. 1924 Lah., p. 619.

Court-fee.—One rupee court-fee is required to be stamped on an application made under this section.

- Recovery of water tax and water-rate as arrears of land revenue.

  Recovery of water tax and water-rate as arrears of both due to the committee under this of the committee as arrears of land revenue.

  Recovery of water tax and water-rate and water-rate or both due to the committee under this of the committee as arrears of land revenue.
- 82. (1) In case of non-payment of any octroi or Recovery of octroi terminal tax or of any toll on demand and tolls. the officer empowered to collect the same may seize any article on which the octroi of corterminal tax) is chargeable, or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.
- (2) The committee after the lapse of five days from the seizure and after the issue of a proclamation fixing the time and place of sale, may cause any property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand. with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid:

Provided that, by order of the president or a vice-

Added by section 33 of Punjab Act III of 1933.
 Inserted by section 6 of Punjab Act I of 1922.

president, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as he may having regard to the nature of the articles, think proper.

- Power to lease the collection of any octroi '(or terminal tax) or toll may be leased by the committee, with the previous sanction of a Commissioner, for any period not exceeding one year; and the lessee and all persons employed by him in the management and collection of the octroi or terminal tax or toll shall in respect thereof—
  - (a) be bound by any orders made by the committee for their guidance;
  - (b) have such powers, exercisable by officers of a committee under this Act as the committee may, from time to time, confer upon them; and
  - (c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the committee for the management and collection of the octroi, terminal tax or toll.
- Appeals against the assessment or levy of any or against the refusal to refund any tax under this Act shall lie to the Deputy Commissioner or to such other officer as may be empowered by the Local Government in this behalf:

Provided that, when the Deputy Commissioner or such other officer as aforesaid is or was when the tax was imposed a member of the committee, the appeal shall lie to the Commissioner of the division.

(2) If, on the hearing of an appeal under the section any question as to liability to or the principle of the assessment of, a tax arises, on which the officer hearing the appeal entertains reasonable doubt, he may either of his own motion or on the application of any person interested, draw up a statement of the facts of the case and the point on which doubt is entertained and refer the statement with his own opinion on the point for the decision of the <sup>2</sup>Chief Court.

<sup>1.</sup> Inserted by section 6 of Punjab Act I of 1922. 2. For the words "Chief Court" read "High Court", vide S. 51 of the Punjab Courts Act, 1918.

- (3) On a reference being made under sub-section (2) subsequent proceedings in this case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in section 13 and order XLVI of the Code of Civil Procedure,
- (4) In every appeal the costs shall be in the discretion of the officer deciding the appeal.
- (5) Costs awarded under this section to the committee shall be recoverable by the committee as though they were arrears of a tax due from the appellant.
- (6) If the committee fail to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the officer awarding the costs may order the persons having the custody of the balance of the municipal fund to pay the amount.

#### NOTES.

This section gives right of appeal only when the amount claimed or to be refunded is tax. In all other cases no appeal lies against an order passed under section 81.

Limitation of appeal. Any land or building unless it is preferred within one month after the publication of the notice prescribed by section 66 or section 68, or after the date of any final order under section 69, as the case may be, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained unless the appellant has paid all other municipal taxes due from him to the

committee up to the date of such appeal.

**86**. (1) No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be this Act.

any other authority than is provided in this Act.

(2) No refund of any tax shall be claimable by any person otherwise than in accordance with the provisions of this Act and the rules thereunder.

## CHAPTER VI.

## MUNICIPAL POLICE.

- 87. (1) Every committee shall unless relieved of this obligation by the Local Government, maintain a sufficient police establishment for police requirements within municipal limits and for performance of the duties imposed on it by this Act.
- (2) The establishment maintained under sub-section (1) shall consist either of a body of watchmen or of part of the general police force under the Local Government within the meaning of section 2 of Act V of 1861, or partly of one and partly of the other, as the Local Government may determine; and shall consist of such number of officers and men who shall respectively receive such pay, leave allowances, gratuities and pensions as the committee may, from time to time, after consultation with the District Magistrate and the Inspector-General of Police, and subject to the final decision of the Local Government, direct.
- Relief of committee committee of the whole or part of the from police charges. cost of the police establishment, and may enter into a contract with the committee, on such terms as may be agreed on, that in consideration of such relief, the committee shall pay periodically a sum not exceeding the amount thereof or undertake any services within the municipality to which the municipal fund can properly be applied, and which are estimated to cost not more than the amount of the relief.
- (2) When a committee has been relieved under this section of the whole or part of the cost of the police establishment which it is required to maintain, the Local Government shall maintain such police establishment as

it shall consider necessary, and the establishment so maintained may consist either of a body of watchmen or of a part of the general police force under the Local Government within the meaning of section 2 of Act V of 1861, or partly of one and partly of the other.

#### NOTES.

Municipal Police.—All committees in the Punjab have been relieved of the charges for Police establishment since 1st April 1911.

- Appointment, liabilities and duties of Municipal watchmen.

  the establishment maintained under this chapter consists wholly or in part of watchmen, they—
  - (a) shall be under the orders of the Superintendent of Police subject to the general control of the District Magistrate;
  - (b) shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the Local Government may make in this behalf;
  - (c) shall perform such duties as the Local Government may, subject to the provisions of this Act, direct; and
  - (d) shall possess the same powers, be entitled to the same assistance, enjoy the same protection, be subject to the same responsibilities, and be liable to the same penalties, as if they were police officers enrolled under Act V of 1861.
- (2) Any person obstructing any such watchman in the discharge of his duties may be arrested without warrant by a police officer or by any such watchman.
- 90. If the establishment maintained under this chapter or any portion thereof consist of part of the general police force, the Vof 1861.

  Local Government may, notwithstanding anything contained in Act V of 1861, or in any other Act for the time being in force, define, subject to the provisions of this Act, the duties which the officers and men of the establishment or such portion thereof may or may not be required to perform.

- Powers and duties of under this Act shall give immediate under this Act shall give immediate information to the committee of any offence against Act and offence committed against this Act or municipal authorities. The rules or bye-laws, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.
- (2) Every member of such police establishment may arrest any person committing in his view any offence against this Act or the rules or bye-laws—
  - (a) if the name and address of the person are unknown to him, and
  - (b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.
- (3) A person arrested under this section may be detained until his name and address have been correctly ascertained:

Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a magistrate except under the order of a magistrate for his detention.

92. When special police protection is, in the opiPolice protection at nion of the Local Government, requisite
fairs, &c. on the occasion of any fair, agricultural
show or industrial exhibition, managed by a committee, or
for the purpose of guarding houses evacuated on account
of plague, the Local Government may provide such protection, and the committee shall pay the whole charge
thereof or such portion of such charge as the Local
Government may consider equitable payable by it.

# CHAPTER VII.

EXTINCTION AND PREVENTION OF FIRE.

93. For the prevention and extinction of fire the Establishment and committee may [and if the Local maintenance of fire-brigade.]

So directs shall, establish and maintain a fire-brigade, and may

<sup>1.</sup> Inserted by Punjab Act XV of 1926.

provide any implements, machinery or means of communicating intelligence which the committee may think necessary for the efficient discharge of their duties by the brigade.

- Power of fire-brigade and otherpersons for suppression of fire.

  Magistrate, the secretary of the committee, any member of committee, any member of a fire-brigade, maintained by the committee then and there directing the operations of men belonging to the brigade, and any police officer not below the rank of Sub-Inspector may—
  - (a) remove or order the removal of any person who by his presence interferes with or impedes the operation for extinguishing the fire or for saving life or property;
  - (b) close any street or passage in or near which any fire is burning;
  - (c) for the purpose of extinguishing the fire break into or through or pull down, or cause to be broken into or through or pulled down, or used for the passage of houses or other appliances, any premises;
  - (d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;
  - (e) call on the persons in charge of any fire-engine to render such assistance as may be possible; and
  - (f) generally, take such measures as may appear necessary for the preservation of life or property.

When any Government building is endangered by such a fire the officer of the Public Works Department for the time being in charge of the building may exercise the powers conferred on a magistrate by this sub-section.

(2) No person shall be liable to pay damages for any act done by him under sub-section (1) in good faith.

- (3) Any damage done in the exercise of a power conferred or a duty imposed by this section shall be deemed to be damaged by fire within the meaning of any policy of insurance against fire.
- 25. The powers conferred by the last foregoing section shall be subject to any regulation of chapter.

  Limitation or tion of chapter.

  operations, conditions or restrictions which may be imposed by rule.

### CHAPTER VIII.

### WATER SUPPLY.

- 96. ¹(1) The committee may, and when the Local Government so directs shall, provide the area under its control or any part thereof with a supply of wholesome water sufficient for public and domestic purposes.
- (2) For the purpose of providing such supply within the municipality the committee shall cause such tanks, reservoirs, engines, pipes, taps and other works as may be necessary to be constructed or maintained whether within or without the municipality; and shall erect sufficient stand pipes or other conveniences for the gratuitous supply of water to the public.
- (3) When required by the Medical Officer of Health, the committee shall arrange for the examination of water supplied for human consumption for the purpose of determining whether the water is wholesome.

#### NOTES.

Liability of committee for damages.—It is committee's duty to control subterranean system of connection pipes and ferrules whether used for public benefit or connected with private house so far as these latter are on municipal lands and streets. If water escapes and committee takes no step in proper time, it is liable for damage caused to houses. A. I. R. 1929 Lah., p. 730.

When any committee fails to supply water which duty it has undertaken, action against it is to be taken under section 234 of this Act.

<sup>1.</sup> Substituted by section 25 of Punjab Act II of 1923.

Area of water supply.—Committee is to supply water to buildings that are within municipal limits. Nobody can compel committee to supply water beyond municipal limits. If a committee supplies beyond its municipal limits it exceeds its powers and can be stopped at once.

- 97. (1) The committee may, on application by the supply of water to owner of any building, arrange for supplying water from the nearest main to the same for domestic purposes in such quantities as it deems reasonable, and may at any time limit the amount of water to be so supplied whenever it considers it necessary.
- (2) No additional charge shall be payable in respect of such supply, in any municipality in which a water tax is levied, but for water supplied in excess of the quantity to which such supply is under sub-section (1) limited, and in other municipalities for all water supplied under this section payment shall be made at such rate as may be fixed by the committee with the approval of the Local Government.

Explanations.—A supply of water for domestic purpose shall not be deemed to include a supply—

- (a) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire,
- (b) for any trade, manufacture or business,
- (c) for fountains, swimming baths, or for any ornamental or mechanical purpose,
- (d) for gardens or for purposes of irrigation,
- (e) for watering roads and paths,
- (f) for building purposes.
- 98. (1) The committee may supply water for any purpose other than a domestic purpose, on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

## Old

# New

- (2) For all water supplied under sub-section (1) payment shall be made at the same rate as may be prescribed under sub-section (2) of the last preceding section 97.
- 1(2) For all water supplied under sub-section (1) payment shall be made at a rate not less than the rate prescribed under sub-section (2) of section 97.
- (3) The committee may withdraw such supply at any time if it should appear necessary to do so in order to maintain a sufficient supply of water for domestic purposes.

#### NOTES.

Committees have been empowered to charge rate higher than the rate prescribed under section 97 (2) of this Act. Formerly they were bound to charge the same rate.

- **99.** (1) Where an application under section 97 or section 98 has been received, all neces-Making connections sary communication-pipes and fittings with municipal water shall be supplied by the committee and the work of laying and applying such communication-pipes and fittings shall be executed by municipal agency under committee's orders; but the cost of making any such connection and of all communication-pipes and fittings so supplied and of all work so executed, shall be paid by the owner or the person making such application. The committee may either provide a meter and charge rent for the same or may require the owner or applicant to provide a meter of such size, material and description as it shall approve.
- (2) Notwithstanding anything in sub-section (1) the committee may require any owner or person applying for a supply of water to provide all communication-pipes and fittings and to carry out at his own cost under its supervision and inspection all the work of laying and applying such communication-pipes and fittings.
- 100. Any owner or occupier of any building or land in or on which water supplied under this Act is misused from negligence or other circumstances under his control, or used without permission in excess of the

<sup>1.</sup> Substituted by section 34 of Punjab Act III of 1933.

quantity fixed under section 97 or section 98, or in which the pipes, mains or other works are out of repair to such an extent as to cause waste of Water, shall, if he has knowledge thereof, be bound to give notice of the same to such officer as the committee may appoint in this behalf.

Cutting off of supply to premises.

Cutting off of supply to premises.

With Water neglects to pay the water-tax, or any sum payable under section 97 or section 98 when due, or to give notice as provided in the last preceding section, or wilfully or negligently misuses or causes waste of water, the committee may cut off the supply of water from the said premises.

#### NOTES.

Committees can cut off connections under this section when water charges are not paid. If water charges are paid and other municipal taxes are due, action can not be taken under this section.

Misuse or waste of water.—It must be intentional. If water is supplied for domestic purpose and is used for another purpose it amounts to misuse.

Powers of the committee in respect of communications, etc.

the water-supply or of making or maintaining communications or conmunications, etc.

the water-supply or of making or maintaining communications or conmunications, etc.

nections with mains, or generally for the purposes of this chapter, the committee shall have all powers which are conferred upon it in respect of drainage and the supply of gas by sections 132 to 140.

### NOTES.

Committee is competent to make alterations and additions in its water supply system to meet new exigencies. A. I. R. 1930, Lah., p. 526.

Power to require owners of buildings to provide storage reservoirs for rain-water on their premises.

To the Local Government to be desirable to require the owners of buildings or lands situate within the limits of the whole or any part of the municipalities of Simla, Dharmsala, Dalhousie and Murree to make suitable provision for the storage and conservation of rain-water for use in flushing drains and

for any purposes other than for the purpose of being used as drinking water, such committee, if so required by the Local Government, shall, and, in any other case, may, with the previous sanction of the Local Government, by public notice direct accordingly.

- (2) Every notice given under sub-section (1) shall state-
  - (a) the extent of the local area within the limits of which the owners of buildings and lands are to make suitable provisions for the storage of rain-water.
  - (b) the manner in which the cubic capacity of the storage accommodation to be provided by such owners is to be fixed, that is, whether the extent of such capacity is to be regulated by reference to the area of the land, the size of the building, the number of occupants, or the estimated rental value thereof or by any two or more of these methods;
  - (c) the design, materials, situation and construction of the reservoirs or other storage accommodation to be provided.
  - (d) the mode of collecting, storing, preserving from pollution and in a pure state and using the rain-water to be collected and stored; and
  - (e) the time within which the requirements of the notice are to be complied with.
- 104. The committee may and, if so required by the Local Government, shall make provision of works.

  Local Government, shall make provision for the supervision of the construction and for the inspection of the storage reservoirs and all other works in any manner relating thereto or connected therewith, and may do all acts and things which may from time to time be necessary for the purpose of ensuring—
  - (a) that the storage reservoirs and other works, as aforesaid, are constructed and carried out, as the case may be, in accordance with the requirements of the notice given under the preceding section; and

- (b) that all such reservoirs and other works are of sufficient strength and durability and may cause any such reservoirs or other works as do not comply with the requirements of the notice or are unsuitable or insecure, to be removed and reconstructed or replaced to the satisfaction of the committee.
- 105. The committee may, by notice, require the owner or occupier of any building or land in respect of which a reservoir for the storage and conservation of rain-water has been provided under section 103 to repair, alter or put in good condition the said reservoir.

### CHAPTER IX.

POWERS FOR SANITARY AND OTHER PURPOSES.

# Bathing and washing places.

- Bathing and washing places for the purposes of bathing and places. The purposes of bathing and may specify the times at which, and the sex of persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and any other act by which water in public places may be rendered foul or unfit for use, and may charge fees for the use of such places by any specified classes of persons or by the public generally.
- (2) The committee may fix, by notice, places at which articles of clothing, bedding or other articles which have been exposed to infection shall be washed, and no person shall wash any such article at any place not so fixed.

# Burial and lurning places.

Old

New

(1) The committee may by public notice, order any burial or burning ground situate within municipal limits or within one mile thereof which is certified by the Medical Officer of Health to be danger. s to the health of persons h ing in the neighbourhoo to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

107. (1) The committee may by public Power in respect ofnotice order 'and, burial and if so directed by burning places. the Local Government shall, within one month of the notification of such direction, be deemed to have ordered, any burial or burning ground situate within municipal limits or within one mile thereof which is certified by the Medical Officer of Health to be dangerous to the health of persons living in the neighbourhood to be closed, from a date to be specified in the notice, and shall in such case, if no suitable place for burial or burning exists withreasonable distance. provide a fitting place for the purpose.

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

Old

New

(3) No burial or burningground, whether public or private, shall be made or formed after the commencement of this Act, without a certificate from the Medical <sup>2</sup>(3) No burial or burningground, whether public or private, shall be made or formed after the commencement of this Act, except with the sanction in writing of the

Substituted by Sec. 35 (i) of Punjab Act III of 1933.
 Substituted by Sec. 35 (ii) of Punjab Act III of 1933.

Officer of Health to be confirmed by the resolution of the committee that such burning ground is not prejudicial to the public health or without the permission in writing of the committee:

committee which shall not be granted unless the Medical Officer of Health has certified in writing for the information of the committee that such burial cr burningground is not prejudicial to public health:

Provided that no such burial or burning-ground shall be made or formed, except with the sanction of the Local Government.

- (4) Should any person, without the permission of the committee bury or burn, or cause or permit to be buried or burnt, corpse at any place which is not a burial or burning-ground or in any burial or burning-ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.
  - 108. (1) The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.
- (2) Whoever carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.

Dangerous animals.

Disposal of mad and stray dogs and other animals.

109. (1) The committee may—

- (a) authorize any person-
  - (i) to destroy, or cause to be destroyed, or confine, or casue to be confined for such period as the committee may direct, any dog or other animal suffering, or reasonably suspected to be suffering from rabies, or bitten by any dog or other animal suffering or suspected as aforesaid;
  - (ii) to confine, or cause to be confined, and dogs found wandering about streets or public places without collars or other marks distinguishing

them as private property and charge a fee for such detention and destroy or otherwise dispose of any such dog if it is not claimed within one week, and the fee paid;

- (b) issue a temporary or standing order that any dogs without collars or other marks distinguishing them as private property, found straying on the streets or beyond the enclosures of the houses of the owners of such dogs may be destroyed and destroy or cause them to be destroyed accordingly. Public notice shall be given of any such order.
- (2) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section.
- 110. Whoever, being the owner or person in charge Suffering dogs to be at of any dog, neglects to restrain it so that it shall not be at large in any street without a muzzle—
  - (a) if such dog is likely to annoy or intimidate passengers, or
  - (b) if the committee has by public notice during the prevalence of rabies directed that dogs shall not be at large without muzzles,

shall be punishable with fine which may extend to twenty rupees.

- 111. Whoever, being in charge of any elephant, control of elephants or camel or bear, omits on being requested to do so to remove as far as may be practicable, his elephant, camel or bear to a safe distance on the approach of a horse, whether ridden or driven, shall be punishable with fine which may extend to twenty rupees.
- 112. Whoever, contrary to any orders of the com-Taking elephants along mittee, takes an elephant along a street, public roads. shall be punishable with fine which may extend to twenty rupees.

Dangerous or insanitary buildings or places.

Power to require buildings, wells, tanks, etc., to be secured.

Power to require buildings, wells, tanks, etc., to be secured.

Voir, pool, depression or excavation be, for want of sufficient repair, protection or enclosure, dangerous to the persons dwelling or working therein or in the neighbourhood or to persons passing by, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, should it appear to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps to avert the danger as may be necessary.

Old

114. Should any building, wall or structure or anything affixed thereto, or any bank or tree, be deemed by the committee to be in a ruinous state or in any way dangerous, it may by notice, require the owner thereof either to remove the same or to cause such repairs to be made to the building, wall, structure or bank as the committee may consider necessary for the public safety, and should it appear to be necessarv in order to prevent imminent danger, the committee shall forthwith take such steps, at the expense of the owner, to avert the danger as may be necessary.

New

114. Should any building, wall or struc-Buildings &c in danture or anything gerous state. affixed thereto, or any bank or tree, be deemed by the committee to be in a ruinous state or in any way dangerous, or there be any fallen building or debris or other material which is unsightly or is likely to be in any way injurious to health, it may, by notice, require the owner thereof either to remove the same or to cause such repairs to be made to the building, wall, structure or bank, as the committee may consider necessary for the public safety, and should it appear to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps, at the expense of the owner, to avert the danger as may be necessary.

#### NOTES.

Notice which is to be served under this section must specify dangerous portions and repairs that are required to be made. If

<sup>1.</sup> Substituted by Sec. 36 of Punjab Act III of 1933.

notice served under this section does not specify dangerous portions or nature of the repairs that are to be made, notice is not valid and disobedience of such notice is not punishable. 9 P. R. 1916 (Cr).

If a building is owned by more than one person notice must be served to all and not to one only.

Notice to occupier.—If notice under this section is given to the occupier of building, he cannot plead as a defence that he has contracted with his landlord that the landlord is to set the building in a proper state. Similar provision exists in Bombay District Municipal Act (Act 3 of 1901), Sec. 131. It has been held in 1925 Sind, p. 264 A. I. R., that an occupier of land cannot plead as a defence to a notice under section 131, that not he but the owner is responsible to remove a nuisance.

Cleansing of filthy any building or land suffer the same to building or land. be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state and thereafter to keep it in a clean and proper state and if it appear to be necessary for sanitary purposes to do so, may at any time by notice direct the occupier of any building to limewash or otherwise cleanse the said building inside and outside in the manner and within a period to be specified in the notice.

Paying or draining of owner or occupier of any land on which cattlestands. cattle or other animals are habitually tethered to have the same properly paved or drained or both.

Old

116. Should any building, or any part of any building, appear to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or any sufficient reason, the committee may, by notice, prohibit the owner or occu-

New

116. Should any building, or any part of any Power to building, appear prohibit use to the committee for human habitation to be unfit for of building human habitation unfit for such use. in consequence of the want of proper means of drainage or ventilation or sufficient reason, the any

Inserted by Sec. 27 of Punjab Act II of 1923.
 Added by section 28 of Punjab Act II of 1923.

pier thereof from using the same for human habitation, or suffering it to be so used, until it has been rendered fit for such use to the reasonable satisfaction of the committee

committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation, or suffering it to be so used, until it has been rendered fit for such use to the satisfaction of the committee and no such owner or occupier shall inhabit such building or suffer it to be inhabited until the committee shall have informed in writing the owner or occupier that prohibition has been withdrawn.

Power to require owner to clear away noxious vegetation.

Power to require owner to clear away noxious vegetation.

or undergrowth which may appear to the committee to be injurious to health or offensive to the neighbourhood.

Old

by notice, require the owner or occupier of any land to cut or trim within three days the hedges growing thereon and bordering on any street, or any branches of trees growing thereon which overhang any street and obstruct the same or cause danger, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

New

118. The committee may by notice, require Power to require the owner or occuhedges and pier of any land to trees to be cut or trim within three days the hedges growing thereon and bordering on any street, or any branches of trees growing thereon which overhang any street and obstruct the same or cause danger, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof, 2[or are in any way offensive or injurious to health].

<sup>1.</sup> Substituted by section 37 of Punjab Act III of 1933. 2. Ditto 88 Ditto Ditto.

Power to require untenanted buildings becoming a nuisance to be

secured or enclosed.

119. The committee may, by notice, require the owner or part-owner, or person claiming to be the ower or part-owner, of any building or land which, by reason of abandonment or disputed ownership or

other cause, has remained untenanted and become a resort of idle and disorderly persons or otherwise a nuisanee to secure or enclose the same within a reasonable time fixed in the notice.

Old

**120**. (1) If the Medical Officer of Health certifies that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner, —

- (a) in any place within the limits of any municipality, is injurious or facilitates practices which are injurious to the health of persons dwelling in the neighbourhood; or
- (b) in any place within or bethe limits of yond any municipality likely to contaminate the water-supply of such municipality or render it otherwise unfit for drinking purposes;

the Local Government may, by notification, prohibit the cultivation of such crop, the use of such manure or the New

120.1 Prohibition of cultivation, use of manure or irrigation injurious to health.

(1) If the Medical Officer of Health certifies that the cultivation of any description of crop or the use of any kind of manure or

the irrigation of land in any specified manner,—

- (a) in any place within the limits of any municipality, is injurious or facilitates practices which are injurious to the health of persons dwelling in the neighbourhood; or
- (b) in any place within or beyond the limits of any municipality likely to contaminate the water-supply of such municipality or otherwise render it unfit for drinking purposes;

the 'Committee may prohibit the cultivation of such crop, the use of such manure or employment of the

<sup>1.</sup> Substituted by section 39 of Punjab Act III of 1933

use of the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent such injury or contamination:

Provided that, when on any land to which such notification applies the act prohibited has been practised during the five years next preceding the notification in the ordinary course of husbandry, compensation shall be paid from the municipal fund to all persons interested therein for any damage caused to them by the effect of such notification.

(2) Should any person disobey any notification issued under sub-section (1) he shall be punishable with fine which may extend to fifty rupees and with a further fine which may extend to five rupees for every day during which the offence is continued.

method of irrigation reported to be injurious, or impose such conditions with respect thereto as may prevent such injury or contamination:

Provided that if it is notified by the Local Government that the cultivation of such crop, the use of such manure, or the employment of such method of irrigation is prohibited or conditions are imposed with respect thereto, the committee shall be deemed to have ordered such prohibition, or imposed such conditions, and shall issue notices in accordance with the notification:

Provided also that, when on any land to which such prohibition applies, the act prohibited has been practised during the five years next preceding the prohibition in the ordinary course of husbandry, compensation shall be paid from the municipal fund to all persons interested therein for any damage caused to them by the effect

of such prohibition.

(2) Should any person fail within six months from the date of its service to comply with the prohibitory notice issued under sub-section (1) he shall be punishable with fine which may extend to fifty rupees and with a further fine which may extend to five rupees for every day during which the offence is continued.

Dangerous or offensive trades.

Regulation of offensive and dangerous trade.

121. (1) No place within a municipality shall be used for any of the following purposes:—

- melting tallow, '[dressing raw hides]; boiling bones offal or blood:
- as a soap house, oil-boiling-house, dyeing-house or tannery;
- as a brickfield, brick-kiln, charcoal-kiln, pottery or lime kiln;
- as any other manufactory. engine-house, 'store-house or place of business from which offensive or unwholesome smells, 'gases, noises or smoke arise:
- as a yard or depot for trade in unslaked lime, hay, straw, thatching-grass, wood, charcoal or coal, or other dangerously inflammable material;
- as a store-house for any explosive, or for petroleum or any inflammable oil or spirit;

except under a license from the committee which shall be renewable annually:

Provided that no such license shall be necessary in the case of any such premises which were used for any such purposes at the time that the Punjab Municipal Act, 1891, came into force and were registered under that Act and in the case of brickfields, which were used at the time that this Act came into force; but the owner or occupier of the brick-fields so excepted shall register the same in a book to be kept by the committee for the purpose.

- (2) The license shall not be withheld unless the committee consider that the business which it is intended to establish or maintain would be the cause of annoyance, offence or danger to persons residing in or frequenting, the immediate neighbourhood, or that the area should be for general reasons kept clear of the establishment of such business.
  - (3) The committee may charge fees according to

Inserted by section 30 of Punjab Act II of 1923.
 Inserted by section 40 of Punjab Act III of 1933.

scale to be approved by the Commissioner for such licenses. and may impose such conditions in respect thereof as it may think necessary. Among other conditions it may prescribe that any furnace used in connection with such trade shall, so far as practicable, consume its own smoke.

- (4) The owner or occupier of any place registered under sub-section (1) may apply to have that place licensed under this section. When any such place has been licensed, the registration of that place shall thereby be cancelled. and shall not be renewed.
- (5) Whoever, without registration or without a license, uses any place for any such purpose as is specified in this section or in contravention of the condition of any such license, shall be punishable with fine which may extend to fifty rupees, and with a further fine not exceeding ten rupees for every day during which the offence is continued.

#### NOTES.

Under this section Civil Courts are not competent to challenge the finding of a committee, unless it is established that the finding of a committee was tainted by mala fide or was without jurisdiction. 6 P. R. 1919.

License fees.—License fees can be realised under section 81 of this Act when license has been applied for and has been granted. If a person carries on business without license which is essential, action is to be taken under clause 5 of this section.

- 121-A. Within any municipality to which this section shall have been extended by the Consent of committee Local Government no person shall use to use of new factories. as a factory any place which has not previously been so used without having obtained the consent of the committee.
- (2) The consent of the committee may be given without condition or subject to the condition that the owner or user of the said factory shall provide adequate housing accommodation for labours employed in the factory or for any proportion or class of such labourers:

Provided that the consent of the committee shall not be withheld for any reason except the refusal of such owner or user to comply with such condition:

<sup>1.</sup> Added by section 31 of Punjab Act II of 1923.

Provided further that if the committee neglect or omit to give their consent within a period of two months from the date of application, such consent shall be deemed to have been given without condition.

Prohibition of cinematographs and dramatic performances except in licensed premises.

Prohibition of cinematographs and dramatic performances except in licensed premises.

Prohibition of cineeffects by means of a cinematograph or other similar apparatus or for the purpose of which inflammable films are used, and no public dramatic (or 'circus) performance or pantomime, shall be given in any munici-

pality elsewhere than in premises for which a license has been granted by the committee under this section.

(2) If the owner of a cinematograph or other apparatus uses the apparatus or allows it to be used or if any person takes part in any public, dramatic 2(or circus) performance or pantomime, or if the occupier of any premises allows those premises to be used, in contravention of the provisions of this section, or of any condition of a license granted under this section, he shall be liable to a fine not exceeding two hundred rupees and in the case of a continuing offence, to a further penalty of fifty rupees for each day during which the offence continues, and the license if any shall be liable to be revoked by the committee.

#### Old

(1) Whenever it is shown to the satisfaction of the committee that any place registered or licensed under the preceding sections is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the committee may, by notice, require the occupier thereof to discontinue the use of such place, or to effect such alterations, additions or improvements as will, in the opinion of the

#### New

<sup>3</sup>(1) Whenever **123**. appears that any Power to place registered prohibit such or licensed under the preceding sections is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the committee may, and if so required by the Local Government shall, by notice, require the occupier thereof discontinue the use of such place, or to effect such alterations, additions or im-

<sup>1.</sup> Inserted by section 32 of Punjab Act II of 1923.

<sup>3.</sup> Substituted by section 41 of Punjab Act III of 1933.

committee, render it no longer a nuisance or dangerous.

provements as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

(2) Whoever, after any notice has been given under this section, uses such place or permits to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, or does not effect such alterations, additions or improvements, shall be punishable with fine which may extend to two hundred rupees, and with a further fine not exceeding fifty rupees for every day during which the offence is continued.

### Old

(1) No person shall use or employ in any factory or other place any steam whistle or steam trumpet for the purpose of summoning or dismissing workmen or persons employed, without the written permission of the committee, granting in which the committee may impose such conditions as it may deem proper as to the times at such which whistle or trumpet may be used.

### New

**124**. (1) No person shall use or employ in any factory whistles, other place any whistle or trumpet or any other mechanical contrivance which emits an offensive noise for the purpose of summoning or dismissing workmen or persons employed, nor shall anv person by means of any contrivance increase the noise emitted in any such factory or place by the exhaust pipe of any engine without the written permission of the committee, in granting which, the committee may impose such conditions as it may deem proper, restricting the times at which such whistle or trumpet, or other contrivance may be used.

(2) The committee may on giving one month's notice revoke any permission given under sub-section (1).

<sup>1.</sup> Substituted by section 42 of Punjab Act III of 1933.

### Old

(3) Whoever, in contravention of the provision of this section, uses or employs any steam whistle or steam trumpet, shall be punishable with a fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day during which the offence is continued.

#### New

(3) Whoever, in contravention of the provisions of this section, uses or employs any whistle, trumpet '(or other contrivance) shall be punishable with a fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day during which the offence is continued.

# Drains and privies.

Provisions of drains, owner of any building or land to provide, privies, etc.

move or remove any drain, privy, latrine, urinal, cesspool or other receptacle for filth or refuse, or, provide any additional drains, privies, latrines, urinals, cesspools or other receptacles as aforesaid which should in its opinion be provided for the building or land in such manner and of such pattern as the committee may direct.

(2) The committee may, by notice, require any person employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit and to cause the same to be kept in proper order and to be daily cleaned.

#### Old

<sup>2</sup>Provided that nothing in this sub-section shall apply to any factory regulated by the Indian Factories Acts, 1881 and 1891.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy, latrine or urinal provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee may direct, any door or trapdoor

Substituted by Sec. 42 of Punjab Act III of 1933.
 Proviso deleted by Sec. 43 (i) of Punjab Act III of 1933.

of a privy, latrine or urinal opening on to any street or drain.

- <sup>1</sup>(4) The committee may, and when required by the Local Government shall, provide latrines and urinals for the use of the public.
- Repair and closing of drains, privies, latrines, urinals and cesspools or receptacle for any drain, privy, latrine, any drain, privy, latrine, urinal, cesspool or receptacle for any filth or refuse, or to close, any drain, privy, latrine, urinal or cesspool belonging thereto.
- (2) The committee may, by notice, require any person who may construct any new drain, privy, latrine, urinal, cesspool or receptacle for filth or refuse without its permission in writing or contrary to its directions or regulations or the provisions of this Act, or who may construct, rebuild or open any drain, privy, latrine, urinal, cesspool or receptacle for filth or refuse which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy, latrine, urinal, cesspool or receptacle, or to make such alteration therein as it may think fit.

#### NOTES.

Committee is the primary body to decide whether action under this section should be taken or not. Civil Court is estopped from deciding whether action taken by a committee is right or wrong unless it is proved that the committee in deciding action to be taken under this section has acted mala fide. A.·I. R. 1930 Lah., p. 477.

- Unauthorised building person, who without its permission in over drains, etc.

  building over any sewer, drain, culvert, water course or water-pipe vested in the committee to pull down or otherwise deal with the same as it may think fit.
- Removal of latrines. any owner or occupier on whose land etc. near any source of water-supply.

  any drain, privy, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well,

<sup>1.</sup> Added by Sec. 43 (ii) of Punjab Act III of 1933.

tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week from the service of such notice.

(2) Whoever, without the permission of the committee, makes or keeps for a longer time than one week after notice under this section any drain, privy, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to '[fifty rupees,] and, when a notice has issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Old

129. Whoever without the permission of the committee, causes or knowingly or negligently allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow, drain or be put upon any street or place, or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

New

129.2 Whoever, without the permission of Dischargin⊈ sewerthe committee. causes or knowingly or negligently allows the contents of any sink, sewer or cesspool, or any matter to other offensive flow, drain or be put upon any street or [public] place, irrigation into any channel or] any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

- Making or altering mittee, makes or causes to be made, or alters or causes to be altered any drain leading into any of the sewers or drains vested in the committee shall be punishable with fine which may extend to fifty rupees.
- Power to require removal of nuisance arising from tanks and the like.

  The committee may, by notice, require the owner or occupier of any land or building from tanks and the drain off any private well, tank, reservoir, pool, depression or excavation

Substituted for the word "twenty" by Sec. 34 of Punjab Act II of 1923.
 Substituted by Sec. 44 of Punjab Act III of 1933.

therein which may appear to the committee to be injurious to health or offensive to the neighbourhood:

Provided that if for the purpose of effecting any drainage under this section it should be necessary to acquire any land not belonging to the same owner or to pay compensation to any person, the committee shall provide such land or pay such compensation.

#### NOTES

When a committee does any act under this section in good faith and that act is found to be done by mistake, aggrieved party is entitled to damages and not injunction restraining the committee from doing this act. 94 I. C., p. 192.

Laying and connecting pipes, sewers and the like.

J. P. P. S. Section & when the time.

Power of committee to lay or carry wires, pipes, drains or sewers through private land, subject to payment of compensation for damage sustained, provided that no nuisance is created.

**132**.

The committee may carry any cable, wire, pipes, drain, sewer or channel of any kind, for the purpose of establishing telephonic or other similar communication or of carrying out and establishing or maintaining any system of lighting, drainage or sewerage through, across,

under or over any road, street, or place laid out as or intended for a road or street, and, after giving reasonable notice, in writing to the owner or occupier, into, through, across, under, over or up the side of any land or building whatsoever situate within the limits of the municipality, and for the purpose of the introduction, distribution of outfall of water or for the removal or outfall of sewerage without such limits, and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, sewer or channel, as the case may be, in an effective state for the purpose for which the same may be used or intended to be used:

Provided that no nuisance more than is necessarily caused by the proper execution of the work is created by any such operation: and

Provided, further, that reasonable compensation shall be paid to the owner or occupier for any damage at the time sustained by him and directly occasioned by the carrying out of any such operations.

#### NOTES

Necessity for notice.—Notice must be given when committee intends to traverse any land or building and not in the case of road or street. A. I. R. 1930 Lah., p. 526.

- Provision as to wires, pipes, drains or sewers pipes, drains or sewers pipes, drains or sewers above the surface of any land or through, over or up the side of any building, such cable, wire, pipe, drain, sewer or channel, as the case may be, shall be so laid or carried as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building, and reasonable compensation shall be paid in respect of any substantial interference with any such right to such enjoyment.
- Previous notice to be given.

  205 (c) relate, the committee shall cause not less than fourteen days' notice in writing to be given to the owner or occupier before commencing any operation under section 132.
- Connection with main not to be made without permission of committee.

  Connection with main of the committee, at any time make, or cause to be made, any connection or communication with any cable, wire, pipe, <sup>1</sup>ferrule, drain, sewer or channel constructed or maintained by or vested in the committee for any purpose whatsoever.
- <sup>1</sup>(2) Any person acting in contravention of the terms of sub-section (1) shall be punishable with a fine not exceeding fifty rupees.
- Connection may be made or required by the committee in the case of sewerage.

  Connection may be made or required by the committee in the case of sewerage.

  Connection or communication from any water-main, drain or sewer to any premises, or may, by notice, require the owner of any such premises, to

<sup>1.</sup> Inserted by section 35 of Punjab Act II of 1923 and section 135 renumbered as 135 (1).

<sup>2.</sup> The words "In municipalities to which the provisions of this section may, at any time, by notification, be extended by the Local Government" omitted by section 36 of Punjab Act II of 1923.

establish any such connection or communication, in such manner and within such time as the committee, by notice in that behalf, may prescribe, at the cost of such owner or occupier.

Power to prescribe size of the ferrule and to establish meter and the like.

Power to prescribe size of the ferrule and to establish meter and the like.

For the ferrules to be used for the supply of gas, and may establish meters or other appliances for the purpose of testing the quantity or quality of any gas or electricity supplied to the premises of any person or to or for the use of any person or business.

Communications and connections to be made subject to inspection by and to the satisfaction of committee.

The ferrules, communication-pipes, connections, meters, stand-pipes and all fittings thereon or connected therewith, leading from mains or service cables, wires, pipes, drains, sewers or channels, into any house or land and the wires, pipes,

fitting and works inside any such house or within the limits of any such land, shall in all cases be executed subject to the inspection and to the satisfaction of the committee.

Rates and charges to be made for the establishment by them or through their agency of communications from and connections with mains or service cables, wires and pipes for the supply of lighting, telephonage or gas, and for meters or other appliances for testing the quantity or quality thereof supplied, and may levy such charges accordingly.

### Old

(1) The committee may, by notice, require the owner of any building or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying water from the building or land and for discharging the

# New

140. ¹(1) The committee

Troughs andpipes for require the owner of any building or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying water [and sullage]

<sup>1.</sup> Substituted by section 45 of Punjab Act III of 1933.

same so as not to inconveni- from the building or land ence persons passing along the street.

and for discharging the same so as not to inconvenience persons passing along the street.

- (2) For the purpose of efficiently draining any building or land the committee may, by notice in writing -
  - (a) require any courtyard, alley or passage between two or more buildings to be paved '[by the owner or part-owner of such buildings] with such materials and in such manner as may be approved by \*[the committee] and
  - (b) require such paving to be kept in proper repair.

#### Public health.

# **141**. Whoever,—

- (a) being a medical practitioner or a person openly and constantly practising the to be Information medical profession, and in the given of cholera, small pox, etc. course of such practice becoming cognizant of the existence of any infectious disease in any dwelling other than a public hospital; or, in default of such medical practitioner or person practising the medical profession;
- (b) being the owner or occupier of such dwelling, and being cognizant of the existence of any such disease therein; or, in default of such owner or occupier.
- (c) being the person in charge of, or in attendance on, any person suffering from any such disease in such dwelling, and being cognizant of the existence of the disease therein,

Inserted by section 37 of Punjab Act II of 1923.
 Substituted for the word "them" by section 37 of Punjab Act II of 1923.

Old

New

fails forthwith to give information to the Medical Officer of Health or gives false information respecting existence of such disease shall be punishable with fine which may extend to fifty rupees:

fails forthwith to give information, for knowingly false information to the Medical Officer of Health or to any other officer to whom the committee may require information to be given respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees:

Provided that a person not required to give information in the first instance, but only in default of some other person shall not be punishable if it be shown that he had reasonable cause to suppose that the information had been, or would be, duly given.

Old

New

- In any municipality to which this section may at any time be extended by the (Local Government) when any person suffering from any infectious disease is found to be—
- (1)2 In any munici-142. pality to which Remova! this section may to hospital patients at any time be suffering extended by the from infectious LocalGovernment when any person suffering from any infectious disease is found to be—
- (a) without proper lodging or accommodation, or
- (a) without proper lodging or accommodation, or
- (b) living in a sarai or other public hostel, or
- (b) living in a sarai \*[hotel, boarding house] or other public hostel, or
- (c) living in a room or house which he neither owns nor pays rent for. or
- (c) living in a room or house which he neither owns nor pays rent for, <sup>3</sup>nor occupies as the guest

<sup>1.</sup> Substituted by Section 46 of Punjab Act III of 1933.
2. Sec. 142 renumbered as 142 (1) and its sub-sections substituted and inserted in by Sec. 47 (2) of Punjab Acts III of 1933.
3. Added by Sec. 47 (2) of Punjab Act III of 1933.

Old

New

or relative of any person who owns or pays rent for it, or

- (d) lodged in premises occupied by members of two or more families and any of such occupiers object to his continuing to lodge in such premises,
- (d) loged in premises occupied by members of two or more families and any of such occupiers objects to his continuing to lodge in such premises,

the committee, by any person authorized by it in this behalf, may, on the advice of any medical officer of rank not inferior to that of an assistant surgeon, remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment, and may do anything necessary for such removal.

the committee, by any person authorized by it in this behalf, may, on the advice of any medical officer of rank not inferior to that of an assistant surgeon, remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment, and may do anything necessary for such removal.

- <sup>1</sup>(2) The Committee shall, if required by the Local Government, erect an infectious diseases hospital of such type and dimensions as the Local Government shall deem expedient.
- 143.2 If the committee is of opinion that the cleansDisinfection of building or disinfecting of a building or any
  ings and articles part thereof, or of any article therein,
  which is likely to retain infection will tend to prevent or
  check the spread of any disease, it may by notice require
  the owner or occupier to cleanse or disinfect the same or
  to destroy such article, in the manner and within the time
  prescribed in such notice.

Added by Sec. 47 (2) of Punjab Act III of 1933.
 Substituted by Sec. 48 of Punjab Act III of 1933.

Penalty for letting inbuilding or part of a house or building fected houses. building or part of a house or building from an infectious disease, without having such house or other building or part thereof and all articles therein liable to retain infection disinfected to the satisfaction of the committee, shall be liable to a penalty not exceeding two hundred rupees.

For the purpose of this section a hotel or lodging-house keeper shall be deemed to let part of his house to any person admitted as a guest into his hotel or lodging-house.

Provision of places and appliances for disinfection.

145. The committee may, and when the Local Government so directs, shall—

- (a) provide proper places, with all necessary attendants and apparatus, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection, and
- (b) cause conveyances, clothing or other articles brought for disinfection to be disinfected free of charge or subject to such charges as may be approved by it, and
- (c) direct any clothing, bedding, or other articles likely to retain infection to be disinfected or destroyed, and shall give compensation for any article destroyed under this sub-section.

Acts done by person suffering from certain disorders.

146. Whoever, while suffering from an infectious, contagious, or loathsome disorder,—

- (a) makes or offers for sale any article of food or drink for human consumption or any medicine or drug, or
- (b) wilfully touches any such article, medicine or drug, when exposed for sale by others, or
- (c) takes any part in the business of washing or carrying soiled clothes,

<sup>1.</sup> Substituted for the words "In any municipality to which this section may be extended by the Local Government, the committee may" by section 39 of Punjab Act II of 1923.

shall be punishable with fine which may extend to twenty rupees.

Old

147. Whoever keeps any swine in disregard of any orders which the committee may give to prevent them from becoming a nuisance, or keeps any other animal so as to be injurious to the health of the inhabitants or of animals or so to become a nuisance shall be punishable with fine which may extend to twenty rupees, and with a further fine which may extend to fifty rupees for every day after the first during which the offence is continued.

New

147<sup>1</sup> Whoever keeps any swine or other Keeping animals so animals in disreas to gard of any orders injurious to which the committee may give to prevent them from becoming a nuisance, or so as to be injurious to the health of the inhabitants or of animals shall be punishable with fine which may extend to twenty rupees, and to fifty rupees for every such subsequent offence.

- 148. Whoever feeds or allows to be fed any animal Feeding animals on which is kept for dairy purposes or may deleterious substances. be used for food on deleterious substances, filth or refuse of any kind, shall be punishable with fine which may extend to fifty rupees.
- Prohibition by committee of use of unwholesome water.

  2 Medical Officer of Health consider that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any dangerous disease it may—
  - (a) by public notice prohibit the removal or use of such water for drinking;
  - (b) by notice require the owner or person having control of such well, tank or place to take such steps as may be specified in the notice to prevent the public from having access to or using such water; or
  - (c) take such steps as it may, on the advice of the

<sup>1.</sup> Substituted by Sec. 49 of Punjab Act III of 1933. 2. Substituted for the words "Civil Surgeon or Health Officer" by section 40 of Punjab Act II of 1923.

<sup>1</sup>Medical Officer of Health consider expedient to prevent the danger or spread of any such disease.

150. (1) Whoever sells, to the prejudice of any purchaser, any article of food or drink Penalty for selling food or drink not of the nawhich is not of the nature, substance or ture, substance or quality quality of the article demanded by such of the article demanded by the purchaser. purchaser shall be punishable with fine which may extend to one hundred rupees:

Provided that an offence shall not be deemed to be committed under this section in the following cases, that is to say-

- (a) where any matter or ingredient not injurious to health has been added to food or drink in order to the production or preparation of the same as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure or conceal the inferior quality thereof;
- (b) where food or drink is unavoidably mixed with some extraneous matter in the process of collection or preparation.
- (2) In any prosecution under this section it shall be no defence to allege that the vendor was ignorant of the nature, substance or quality of the article sold by him, or that the purchaser, having bought such article only for analysis, was not prejudiced by the sale:

<sup>2</sup>Provided that this section shall not apply to those areas to which the Local Government has directed or may direct that the Punjab Pure Food Act, 1929, shall apply.

Old

New

**151**. (1) Whoever, in any street or public place within the municipality, begs importunately for alms, or exposes, or exhibits, with the object of exciting charity,

(1) Whoever, in any 151. Soliciting street or public place within the municipality, begs importunately for alms or exposes, or exhibits, with the object of

<sup>1.</sup> Substituted for the words "Civil Surgeon or Health Officer" by section 40 of Punjab Act II of 1923 2. Substituted by Sec. 50 of Punjab Act III of 1983.

any deformity, or disease, or any offensive sore or wound, shall be punishable with fine which may extend to twenty rupees, exciting charity, any deformity, or disease, or a ny offensive sore or wound, shall be punishable with 'imprisonment of either description, which may extend to three months, or with a fine not exceeding fifty rupees, or with both, provided that—

- (a) in the case of a first offence, the Court may, if it thinks fit, instead of sentencing the convict to any punishment, release him after due admonition;
- (b) in any case, the Court may, if it is satisfied of the inability of the convict to earn a livelihood, owing to physical infirmity or debility, and if the person in charge of any poor house in the municipality certifies that he is willing to receive him, direct that the covict be received into such poor house after being released on entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period, not exceeding three years, as the Court may direct.
- (2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this section shall be cognizable; and notwithstanding anything contained in this Act, a Court may take cognizance of such an offence in the matter provided by section 190 of the Code of Criminal Procedure, 1898.

Old

New

152. (1) The committee may by notice in writing, prohibit in any specified part of the municipality—

Power over disorderly houses and prostitutes.

(1) The committee may, by public notice, prohibit in any specified part of the munici-

(a) the keeping of a pality—brothel;

Substituted by Sec. 51 of Punjab Act III of 1933.
 Substituted by Sec. 52 of Punjab Act III of 1933.

- 114
  - (b) the residence of a public prostitute.
- (2) Whoever fails to comply with a notice issued under sub-section (1) shall be punishable with imprisonment for a term which may extend to eight days or with fine which may extend to fifty rupees, and in the case of a continuing failure with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in failure-
- (a) the keeping of a brothel;
- (b) the residence of any person who practises prostitution.
- (2) Whoever after the date specified in the public notice issued under sub-section (1);

- (a) keeps or manages or acts or assists in the management of a brothel within the prohibited area, or
- (b) being a tenant, lessee or occupier of any premises knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution within the prohibited area, or
- (c) being the lessor or landlord, of any premises, or the agent to such lessor or landlord, lets the same or any part thereof, within the prohibited area with the knowledge that such premises or some part thereof, are, or is used as a brothel, or for the purposes of habitual prostitution, or is wilfully a party to the continued use of such premises as a brothel or for the purposes of habitual prostitution, or
- (d) being a practising prostitute resides within the prohibited area,

shall be punishable with imprisonment of either description, for a term which may extend to one month, or with fine which may extend to one hundred rupees or with both, and in the case of a continuing offence with additional fine not exceeding ten rupees for every day after the first during which the offence continues.

#### NOTES

Brothel is a place to which persons of both sexes resort for the purpose of prositution though stranger to the occupancy. 81 L.C., p. 122. The house of a prostitute does not come within the term brothel.

Great change has been made in this section by the new Act by the omission of the word public before prostitute. Now action can be taken against those women also who are prostitutes though not public. The word prostitute has not been defined in the Act therefore it is to be interpreted in its ordinary sense. Prostitute is that woman who surrenders her body to a person for sexual intercourse, though not legally entitled, for the sake of money. A woman who has been living with different lovers on different occasions has been held to be prostitute. Mistress does not come within the category of prostitute for her relation is more permanent than that of a prostitute and secondly she does not surrender her body for sexual intercourse to everybody.

Notice was formerly required to be served upon an individual but now it is no longer necessary: Public notice is now required. Notice signed by the Secretary alone has been held invalid. 26 P.W.R. 1906 Cr.

Committees can prohibit residence of prostitutes within specified area and not from the whole municipality.

On the complaint of the committee or of three or more inhabitants of a municipality Brothels. that a house within the limits of the municipality is used as a brothel, or by disorderly persons of any description to the annoyance of the respectable inhabitants of the vicinity or that any such house is used as a brothel in the neighbourhood of a cantonment or of an educational institution or boarding house, cr of any place of worship, any magistrate of the 1st class having as such jurisdiction in the place where the house is situated, may summon the owner or tenant of the house, and on being satisfied that the house is so used and that it is a source of annoyance or offence to the neighbours, or that it is in the neighbourhood of a cantonment or of an educational institution or boarding house or of any place of worship, may order the owner or tenant to discontinue such use of it; and if he shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used.

## NOTES.

Magistrate cannot order accused under this section to vacate premises which are held by him to be used as brothel. The proper order under this section is to order the accused to discontinue using premises as a brothel. 9 Lah., p. 394.

Nature of trial.—Court is not to try this offence summarily. 55 P.L.R. 1918, 9 Lah., p. 394.

## Scavenging and house-scavenging.

154. The committee may fix places within or, with the approval of the District Magistrate, beyond the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Failure to remove offensive matter.

building or land, keeps or knowingly or negligently allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle or pit, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle or pit to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

## NOTES.

If a person has been violating provisions of this section since a long time, he cannot be punished under this section, A.I.R. 1924, Lah. 670.

Owner or occupier.—If building has been let out, in that case tenant is responsible to act according to the provisions of this section.

The occupier of any **156**. building or land from which any offensive matter, rubbish, night-soil or carcass is thrown or deposited on any part of a public place or street or into any public sewer or drain or into any drain communicating with a public sewer or drain withof the out the permission committee or in disobedience of its orders, shall be punishable with fine which to twenty extend may rupees.

New

Whoever, without <sup>1</sup>156. the permission of Depositing or throwing the committee or of earth or material of in disregard of its any descriporders, throws or tion on roads deposits, or perinto mits his servants or members of his household under his control to throw or deposit earth or materials of any description, or refuse, rubbish or offensive matter of any kind upon any street or public place into any irrigation channel or public sewer or public drain or into any communicating with an irrigation channel or a public sewer or public drain, shall be punishable with fine which may extend to twenty rupees.

- 157. Whoever permits any person under his control to whom the provisions of Nuisance by children sections 82, 83 and 84 of the Indian and others. Penal Code are applicable to commit a nuisance upon any street or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.
- The removal of filth, rubbish, ordure or other offensive matter from a privy, latrine, Definition of house urinal, cesspool or other common receptacle for such matter in or pertaining to a house or building is called house-scavenging.
- 159. (1) Subject to the provisions hereinafter contained with respect to the customary Undertaking by comrights of sweepers, the committee may mittee of house-scavenging generally. at any time undertake the housescavenging of any house or building on the application with the consent of the occupier.

<sup>1.</sup> Substituted by section 53 of Punjab Act III of 1933.

New

- (2) The committee may by public notice, undertake the house-scavenging of any houses or buildings in the municipality from any date not less than two months after issue of the notice.
- (2) The committee may by public notice, except in cases to which section 166 is applicable, undertake the house-scavenging of any houses or buildings in the municipality from any date not less than two months after issue of the notice.
- (3) The occupier of any house or building affected by the notice may, at any time, after the issue thereof, apply to the committee to exclude that house or building from the notice.
- (4) The committee shall consider and pass orders upon every such application within six weeks of the receipt thereof, and may, by any such order, exclude such house or building from the notice.
- (5) In deciding whether to exclude any house or building from the notice, the committee shall consider, among other matters, the efficiency of the arrangements for house-scavenging made by the occupier (if any) and the purpose to which he applies the matter dealt with in house-scavenging.

Saving in favour of customary sweepers and of agriculturists, in the last foregoing section, the committee shall not, except in accordance with the provisions of this chapter,—

- (a) undertake the house-scavenging of any house or building in respect whereof any sweeper has a customary right to do such house-scavenging;
- (b) without the consent of the occupier undertake the house-scavenging of any house or building occupied by an agriculturist who himself cultivates land within municipal limits or in a village conterminous therewith.

<sup>1.</sup> Substituted by section 54 of Punjab Act III of 1933.

- Continuance of house-scavenging once undertaken by committee.

  scavenging with or without the consent of the occupier for the time being once the committee has undertaken the house-scavenging of any house or building, under this chapter, it may continue to perform such house-scavenging with or without the consent of the occupier for the time being or such house or building.
- 162. When the committee has undertaken the house-scavenging of any house or building, it shall be bound to perform the same properly until it shall have relieved itself of the obligation by an order under section 159, sub-section (4).
- Powers of municipal servants for house-scavenging may, at all resonable times, do all things necessary for the proper performance of any house-scavenging undertaken by the committee.

Vesting in committee of collections from house-scavenging.

164. All matter removed by the servants of the committee in the course of house-scavenging shall belong to the

committee.

- 1 unishment of customary sweepers for negligence.

  1 unishment of customary sweepers for negligence.

  1 unishment of customary sweepers for house or building (hereinafter called the customary sweeper) fail to perform such house-scavenging in a proper way and at reasonable intervals, the occupier of the house or building or the committee may complain to a magistrate.
- (2) The magistrate receiving such complaint shall hold an enquiry, and, should it appear to him that the customary sweeper has failed to perform the house-scavenging of the house or building in a proper way or at reasonable intervals, he may impose upon such sweeper a fine which may extend to ten rupees, and, upon a second or any later conviction in regard to the same house or building, may also direct the right of the customary sweeper to do the house-scavenging of the house or building to be forfeited, and thereupon such right shall be forfeited accordingly.

(3) 'Should any sweeper (other than a customary sweeper) who is under contract to do the house-scavenging of a house or building discontinue to do such house-scavenging without having given 14 days' notice to his employer or without reasonable cause, he shall, on conviction, be punishable with a fine which may extend to ten rupees.

## Old

166. (1) Should an agriculturist, who himself cultivates land within municipal limits or in a village conterminous therewith, fail to provide for the proper house-scavenging of any house or building occupied by him, the committee may complain to a magistrate.

(2) The magistrate receiving the complaint shall hold an enquiry, and, should it appear to him that the agriculturist has not provided for the proper house-scavenging of the house building, he may pass an empowering the order committee to undertake the same, and thereupon the committee shall be entitled to undertake such housescavenging.

#### New

**166**. <sup>2</sup>(1) Should any person, who himself Punishment or any member of cultivators for failure to of whose family provide for residing with proper housescavenging. him cultivates land within municipal limits or in a village within two miles from the Municipal limit, fail to provide for the proper house-scavenging of any house or building occupied by him within the limits of the municipality, committee may complain to a magistrate.

(2) The magistrate receiving the complaint shall hold an inquiry, and, should it appear to him that such person has not provided for the proper house-scavenging of the house or building, he may pass an order empowering the committee to undertake the same, and thereupon the committee shall be entitled to undertake such house-scavenging.

Added by section 43 of Punjab Act II of 1923.
 Substituted by section 55 of Punjab Act III of 1933.

## Slaughter places.

## Old

**167**. (1) The committee may, with the approval of the District Magistrate, fix premises, either within or without the limits of the municipality, for the slaughter of animals for sale, or of any specified description of such animals, and may, with the approval, grant and withdraw licenses for the use of such premises, or, if they belong to the committee, charge rent or fees for the use of the same.

## New

(1) The committee 167. may, and shall Places for when so required slaughter of animals for by the Local Government, fix premises, with the approval of the Deputy Commissioner either within or without the limits of the municipality, for the slaughter of animals, for sale, or of any specified description of such animals, and may, with the like approval, grant and withdraw licenses for the use of such premises, or, if they belong to the committee, charge rent or fees for the use of the same.

- (2) When such premises have been fixed by the committee beyond municipal limits, it shall have the same power to make bye-laws for the inspection and proper regulation of the same as if they were within those limits.
- (3) When any such premises have been fixed no person shall slaughter any such animal for sale within the municipality at any other place.
- (4) Any person who slaughters for sale any animal at any place within a municipality other than one fixed by the committee under this section, if any places have been so fixed, shall be punishable with fine which may extend to twenty rupees.

#### NOTES.

Approval of Deputy Commissioner is required before fixing any place for the slaughter of animals for sale. Action under Cl. (4) of this section can be taken only when a committee has fixed any place for the slaughter of animals for sale. If it has not

<sup>1.</sup> Substituted by section 56 of Punjab Act III of 1983.

fixed any place, it cannot prevent any person from using any place that he has made for this purpose.

Offence consists in slaughtering animal intended for sale at any place not fixed for that purpose. When a place for slaughter of animals for sale has been fixed, it is no offence to slaughter animals at any other place other than the slaughter house: provided the animal was not slaughtered to sell its meat.

- 168. (1) Whenever any animal in the charge of Disposal of dead any person dies otherwise than by slaughter, either for sale or for some religious purpose, the person in charge thereof shall within twenty-four hours either—
  - (a) convey the carcass to a place (if any) fixed by the committee under section 154 for the disposal of the dead bodies of animals or to any place at least one mile beyond the limits of the municipality; or
  - (b) give notice of the death to the committee, whereupon the committee shall cause the carcass to be disposed of.
- (2) In respect of the disposal of the dead body of an animal under clause (b) of sub-section (1) the committee may charge such fee as the committee may, by public notice, have prescribed.
- (3) For the purposes of this section the word "animal" shall be deemed to mean all horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, swine and other large animals.
- (4) Any person bound to act in accordance with sub-section (1) of this section shall, if he fails so to act, be punishable with fine which may extend to ten rupees.

# Streets and buildings.

# 169.1 The Committee,—

(a) may lay out and make a new public street and construct tunnels and other works subwith streets.

<sup>1.</sup> Substituted by section 44 of Punjab Act II of 1923.

- (b) may widen, lengthen, extend, enlarge, raise or lower the level of, or otherwise improve any existing public street vested in the committee, and
- (c) may close temporarily any public street or any part thereof for any public purpose, and
- (d) may turn, divert, discontinue or close any public street so vested, and
- (e) may provide within its discretion building sites of such dimensions as it deems fit, to abut on or adjoin any public street made, widened, lengthened, extended, enlarged, improved, or the level of which have been raised or lowered by the committee under clauses (a) and (b) or by the Local Government, and
- (f) subject to the provisions of any rule prescribing the conditions on which property may be acquired by the committee, may acquire any land, along with the building thereon, which it deems necessary for the purpose of any scheme or work undertaken or projected in exercise of the powers conferred under the preceding clauses, and

(q) subject to the provisions of any rule prescribing the conditions which on property vested in the committee may be transferred, may lease, sell otherwise dispose of any property acquired by the committee under clause (f), or any land used by the committee for a public street and no longer required therefor and in doing so may impose any condition as

#### New

'(g) subject to the provisions of any rule prescribing the conditions which property vesting in the committee may be transferred. may lease, sell or otherwise dispose of any property acquired by the committee under clause (f): or any land vesting in and used by the committee for a public street and no longer required therefor, and in so doing may imto the removal of any building existing thereon, as to the description of any new building to be erected thereon, as to the period within which such new building shall be completed and as to any other matter that it deems fit:

pose conditions regulating the removal and construction of buildings upon it and the other uses to which such land be put:

Provided that land owned by proprietors other than the Local Government shall become the absolule property of the committee after it has continuously vested in the committee for use as a public street for a period of twentyfive years; but that the possession of such land that ceases to be required for use as public street before the expiry of twenty-five years from the time that it became vested in the committee shall be transferred to the proprietor thereof. on payment by him of reasonable compensation to the committee for improvements of such land, and subject to such restrictions as the committee may impose on the future use of such land and that should the proprietor be unable or unwilling to pay the amount of such compensation the committee may, subject to such conditions as it may deem fit, sell the land and shall pay to the owner the proceeds, if any, over and above the amount of such compensation, which shall be paid into the municipal-fund, or may dispose of it in such manner as it may deem fit.

## NOTES.

As this section creates rights in favour of committees, it is to be strictly construed. 56 P.R. 191.

Committee can permanently close a street for a particular class of traffic though it causes some hardship to individuals. 50 I. C. p., 215.

If a person wants to build a building over drain or any street, he must take written permission. Tacit permission is not enough. 62 P.R. 1907.

Entry in municipal register or map is not sufficient proof to prove encroachment upon municipal land. 31 P. W. R. 1908 Cr.

170. The committee may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building making any materials or temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling, or working in the neighbourhood, and may charge fees for such permission and may at its discretion withdraw the permission.

1**170**. (1

Power to require protection of streets during cuting down of trees, erection or demolition of buildings, etc.

(1) No person shall cut down any trees or cut off a branch of any tree, or erect or demolish any building, or part of a building, or alter or repair the outside of any building, where such action is of a

nature to cause obstruction, danger or annoyance, or risk of obstruction, danger or annoyance to any person using a street, without the previous permission in writing of the committee.

- (2) The committee may at any time by notice require that any person doing or proposing to do any of the acts referred to in sub-section (1) shall refrain from beginning or continuing the act unless he puts up, maintains and provides from sunset to sunrise with sufficient lighting, such hoardings or screens as are specified or described in the notice and may further at any time by notice require the removal, within a time to be specified in the notice, of any hoarding or screen erected in anticipation or in pursuance of any of the said acts.
- (3) Whoever contravenes the provisions of sub-section (1) or fails to comply with the terms of a notice under sub-section (2) shall be punishable with fine which may extend to fifty rupees and when the contravention or non-compliance is a continuing one with a further fine which may extend to five rupees for every day after the first during which the contravention or non-compliance continues.
- <sup>2</sup>170-A. (1) No person shall lay out or make or commence to lay out or make a street sanction obtained before without the sanction of the committee;

<sup>1.</sup> Section 170 is omitted and section 170-A is renumbered as 170 by section 59 of Punjab Act III of 1933.
2. Sections 170-B, 170-C, 170-D, 170-E and 170-F. of the old Act are renumbered as sections 170-A, 170-B, 170-C, 170 D, and 170-E, respectively by section 60 of the Punjab Act III of 1933.

- (2) Every person who intends to lay out or make a street shall give notice in writing to the committee of such intention;
- (3) Where a committee has issued an order under clause (b) of section <sup>1</sup>170-B no notice under sub-section (2) shall be deemed to be valid until the particulars required under such order have been furnished to the satisfaction of the committee.

Order of committee on n o tice being given under section 170-A.

issue-

170-B. The committee may, within one month of the receipt of notice required by sub-section (2) of section <sup>2</sup>170-A

- (a) an order directing that for a period therein specified, which shall not be longer that one month from the date of such order, the intended work shall not be proceeded with, or
- (b) an order requiring further particulars.

Sanction of committee notice required by sub-section (2) of with regard to new section \$170-A the committee may refuse to sanction the proposed street or may sanction it either absolutely or subject to such written directions as to level, metalling, paving, means of drainage, direction and width as the committee may deem fit to issue, and the person laying out or making such street shall comply with the sanction of the committee in every parcular

Provided that should the committee neglect or omit for two months after the receipt of such notice, or if an order has been issued under clause (a) of section 3170-B, fail within the period specified in such order, to make and deliver to the person who has given such notice an order of sanction or refusal in respect thereof, it shall be deemed to have sanctioned the proposed street absolutely.

Power of of a street which shall be given, or be deemed to have been given, by a committee, shall

Substituted by section 6 of Punjab Act I of 1934.
 Substituted by section 7 of Punjab Act I of 1934.
 Substituted by section 8 of Punjab Act I of 1934.

remain in force for one year only from the date of such sanction. Should the laying out or making of the street not have been commenced within the said period of one year, the sanction shall be deemed to have lapsed; but such lapse shall not bar any subsequent application for fresh sanction under the foregoing provisions of this Act.

Explanation.—A street shall be deemed to be made or laid out when it is demarcated on the ground by permanent boundary-marks.

Penalty. Whoever begins, continues or completes the laying out or making of a street without giving the notice required by section 170-A¹ or in contravention of any written directions made under section 170-C¹ or of any bye-law or provisions of this Act, shall be liable to a fine which may extend to five hundred rupees.

## Old

170-F. In anv case where the committee considers that any land is being or has been laid as a street without the notice required by section 170-B having been given or in contravention of any written direction made by the committee under section 170-B, or of any bye-law or provisions of this Act. the committee may, by notice in writing, require the owner of the land to alter the street in such manner as it deems necessary, and the owner or occupier of any building which is being or has been built on or along the street to alter or demolish such building.

# $N_{ew}^{i}$

170-F.<sup>2</sup> In any case where the com-Notice to considers mittee owner of land under that any land is being or has been laid out as a street without the notice required by section 170-A having been given or in contravention of any written direction made by the committee under section 170-C, or of any bye-law or provision of this Act, the committee may, by notice in writing, require the owner of the land to alter the street in such manner as it deems necessary.

Substituted by Sec. 9 of Punjab Act I of 1934.
 Substituted by Sec. 61 of Punjab Act III of 1933.
 Substituted by Sec. 10 of Punjab Act of 1934.

**171**. (1) When the municipal committee consider that in any street not being a public street which has previously been levelled. paved, metalled, channelled, sewered and repaired out of municipal or other public funds or in any part of such street, within the municipality, it is necessary for the public health, convenience or safety, that any work should be done for the levelling, paying. metalling. flaging, channelling, draining, lighting or cleaning thereof. the municipal committee may by written notice require the respective owners of the lands or buildings, fronting, adjoining or abutting upon such street or part thereof, to carry out such work in a manner and within a time to be specified in such notice.

Power to require repairs of streets and

to declare such streets

public.

(1) (a) When the municipal committee consider that in any street other than a public street, or in any part of such

street within the municipality, it is necessary, for the public health, convenience or safety that any work should be done for the levelling, paving, metalling, flaging, channelling, draining, lighting or cleaning, thereof, the municipal committee may by written notice require the owner or owners of such street or part thereof, to carry out such work in a manner and within a time to be specified in such notice:

- (b) Sould the owner refuse or should he fail to carry out the work within the time specified, the committee may, by written notice, require the owners of the land or buildings, fronting, adjoining or abutting upon such street or part thereof to carry out the work in such manner and within such time as may be specified in the notice.
- e is not (2) If compliance with ing the the terms of the notice commitissued under clause (b) of fit, exesub-section (1) is not effected ioned or within the time specified, and may the committee may, if it covisions thinks fit, itself execute the

<sup>(2)</sup> If such notice is not complied with during the time specified, the committee may, if it thinks fit, execute the work mentioned or referred to therein, and may recover under the provisions

<sup>1.</sup> Substituted by Sec. 62 of Punjab Act III of 1933.

of section 81 the expenses incurred in doing so from the owner in default according to the frontage of their respective lands or buildings and in such proportion as may be decided by the committee.

(3) After such work has been carried out by such owners or, as provided in clause, (2) by the municipal committee at the expense of such owners the street or part thereof in which such work has been done may, and on the joint requisition of a majority of the said owners shall be declared by a public notice put up therein by the municipal committee to be a public street, and shall vest in the committee.

(4) A municipal committee may, at any time by notice fixed up in any street or part of a street not maintainable by the municipal committee, give intimation of their intention to declare the same a public street, and unless within one month next after such notice has been so put up, the owner or the

work, and may recover under the provisions of section 81 the expense incurred in doing so in such proportion as it may deem equitable from the owner of the street and the persons served with a notice under clause (b) of sub-section (1).

- (3) After such work has been carried out by the persons served with a notice under clause (b) of sub-section (1) or as provided in sub-section (2) by the committee at the expense of such persons and the owner of the street, the street or part thereof, in which such work has been done, may, and on the requisition of the owner or owners of the major portion of the said street or part thereof, or on the requisition of a majority of the persons served with a notice under clause (b) of sub-section (1) shall be declared by a public notice to be put up therein by the committee to be a public street and shall vest in the committee.
- (4) A committee may, at any time, by notice fixed up in any street or part thereof not maintainable by the committee, give intimation of their intention to declare the same a public street, and unless within one month next after such notice has been so put up, the owner or any one of several owners of such majority of several street or such part of a street

owners of such street or such part of a street, lodges or lodge objections thereto at the municipal office, the municipal committee may, by notice in writing, put up in such street, or such part, declare the same to be a public street vested in the committee.

(5) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

lodge ojection thereto at the municipal office, the municipal committee may, by notice in writing, put up in such street, or such part, declare the same to be a public street vested in the committee

(5) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government, of its own motion or at the request of the committee.

## NOTES.

Committees can take action under this section only in respect of those streets which are not public.

First the owners of a street are to be served with a notice to do the thing required under this section. If they fail to do so, owners of the land or buildings, fronting, adjoining or abutting upon such street, are to be served with a notice to effect improvements desired. If they fail to do so committee can then make the necessary improvements itself and realize the expenses incurred under section 81 of this Act from the owners of street and build-· ings adjoining such street.

Notice.—Section does not provide the period that is to be given in the notice. It is left to the discreton of the committees. Reasonable time must be given. Particulars of improvements that are to be effected must be given in the notice otherwise notice is defective. If owners of a street are more than one, notice must be served on all. Service on one is not sufficient.

**172**. (1) Whoever without the written permission of the committee, builds or erects any immovable encroachment upon the ground level of any street, or over or on any sewer, drain, or water-course, or builds or

Punishment

<sup>1</sup>172.

for immovable encroachment overhanging structure over street.

(1) Whoever, without the written permission of the committee, makes ammovable encroachment on or under any street on, over or

<sup>1.</sup> Substituted by Sec. 63 of the Punjab Act III of 1933.

makes any immovable overhanging structure projecting into a street at any point above the said ground level, shall be punishable with a fine which may extend to fifty rupees.

(2) The committee may, by notice, require the owner or occupier of any building to remove or alter, such immovable encroachment or overhanging structures as aforesaid, and no compensation shall be claimable in respect of such removal or alteration:

under any sewer, or watercourse, or erects or re-erects any immovable overhanging structure projecting into a street at any point above the said ground level, shall be punishable with a fine which may extend to fifty rupees.

(2) The committee may, by notice, require the owner or occupier of any building to remove or alter, within a specified time not exceeding six weeks, such immovable encroachment or overhanging structure as aforesaid, and no compensation shall be claimable in respect of removal or alteration:

Provided that if a period of more than three years has elapsed from the completion of the encroachment or overhanging structure, no prosecution shall lie under subsection (1); nor shall such encroachment or overhanging structure be required to be removed or altered without payment of reasonable compensation.

## NOTES.

The proviso that has been added by the new act, Act III of 1933, has restricted application of this section to encroachments made without permission within three years of their completion. Section 195 is applicable to encroachments completed more than three years at the time of taking action regarding them.

This section has been made applicable to re-erection of immovable overhanging structure projecting into a street.

This section is not applicable in the case of re-erection of immoveable encroachment on or under any street.

Nature of permission.—Permission must be taken in writing. Oral or permission by tacit acquieance is not sufficient proof of the fact that committee has permitted building of overhanging structure.

<sup>1.</sup> Substituted by Sec. 63 of Punjab Act III of 1933,

Grant or refusal of permission and imposition of conditions.— It is within the power of committees to grant or refuse permission under this section. If any committee grants permission it cannot impose any condition regarding payment of rent or fee unless it has framed bye-laws regarding charging of rent or fee under clause (b) of section 188 of this Act. 1929 Lah. p., 568.

Evidence of encroachment.—Evidence of map alone is not sufficient to show any encroachment. 31 P. W. R. 1908 Cr.

It is for the committee to prove that the projection in dispute encroaches upon street.

Notice.—In order that the notice be valid there must be encroachment upon public street and the encroachment must be in existence within three years of its completion.

Notice is bad and defective if it relates to encroachments, some of which are old and some recent. A.I.R. 1933 Lah. p., 935.

Prosecution.—This section is applicable to encroachments on public streets and not on private, therefore a person cannot be convicted under this section for encroachment upon private street. A.I.R. 1928 Lah., p. 238.

## Old

173. (1) Whoever, without the written permission of the committee—

## New

<sup>1</sup>173. (1)The committee may grant Power to permit occapermission pation ofwriting, on such public street conditions as it and to remove obmay deem fit for struction. the safety or convenience of persons passing by, or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw permission, to any person to-

- (a) places in front of any building any moveable encroachment upon the ground level
- (a) place in front of any building any moveable encroachment upon the ground level

<sup>1.</sup> Substituted by section 64 of Punjab Act III of 1933.

of any street or over or on any sewer, drain or watercourse or any moveable overhanging structure projecting into the street at a point above the said ground level,

- (b) takes up or alters the pavement or other materials or the fences or posts of any street,
- (c) deposits or causes to be deposited building materials, goods for sale, or other articles of merchandise on any street, or
- (d) makes any hole or excavation on, in, or under any street, or removes materials from beneath any street, so as to cause risk of subsidence,
- (e) erects or sets up any fence, post, stall or scaffolding in any public street, shall be punishable with a fine which may extend to fifty rupees.
- (2) The committee or the secretary of the committee may—

of any public street or over or on any sewer, drain or watercourse or any moveable overhanging structure projecting into such public street at a point above the said ground level,

- (b) take up or alter the pavement or other materials for the fences or posts of any public street,
- (c) deposit or cause to be deposited building materials, goods for sale, or other articles on any public street, or
- (d) make any hole or excavation on, in, or under any street, or remove materials from beneath any street, so as to cause risk of subsidence, or
- (e) erect or set up any fence, post, stall or scaffolding in any public street.
- (2) Whoever does any of the acts mentioned in subsection (1) without the written permission of the committee shall be punishable with fine which may extend to fifty rupees and the committee, or the secretary of

the committee, or the Medical Officer of Health or any person authorised by the committee, may—

- (i) summarily remove, or cause to be removed by the police or any other agency any such moveable encroachments or overhanging structures and any such materials, goods or articles of merchandise and any such fence, post, stall or scaffolding,
- (i) after reasonable opportunity has been given to the owner to remove his material and he has failed to do so, remove or cause to be removed by the police, or any other agency, any such moveable encroachments overhanging structures and any such materials, goods articles of merchandise and any such fence, post, stall or scaffolding,
- (ii) take order summarily to restore the street to the condition it was in before any such alteration, excavation or damage, and
- (ii) and take measures to restore the street to the condition it was in before any such alteration, excavation or damage.
- (iii) recover the expenses incurred by the committee under this sub-section from the offender.

Explanation.—For the purposes of this section moveable encroachment includes a seat or settle, and moveable overhanging structure includes an owning of any material.

(3) If the material specified in clause (i) of subsection (2) has not been claimed by the owner within a fortnight of its having been deposited for safe custody

by the committee, or if the owner shall fail to pay to the committee the actual cost of removal or deposit in safe custody, the committee may have the material sold by auction at the risk of the owner, and the balance of the proceeds of such sale shall, after the deduction of the expenditure incurred by the committee, be paid to the owner, or if the owner cannot be found, or refuses to accept payment, the balance shall be kept in deposit by the committee until claimed at the risk of the person entitled thereto, and if no claim is made within two years the committee may credit the amount to the municipal fund.

Explanation.—For the purposes of this section "movable encroachment" includes a seat or settle, and "moveable overhanging structure," includes an owning of any material.

## NOTES.

This section has been greatly changed by the new Act. If a municipal committee leases the right to stock goods on that portion of street and any person stocks goods on that portion without the permission of that man, he cannot be prosecuted under this section for this Act does not give committees any right or power to lease or sanction the right to levy fees due for temporary occupation of municipal land. 22 P. R. 1919.

If a person without any written permission from committee deposits goods for sale on a public street, committee cannot realise rent from him under section 81 of this Act as he has taken no permission and therefore no contract is created between the parties. Proper remedy for the committee in such a case is to proceed against him in a criminal court and have him fined.

**Notice.**—Law does not require committees to give notice under this section to persons who use public streets without permission by placing *takht posh* etc., therefore failure to comply notice given by a committee under this section does not amount to an offence.

## Old

174. (1) Should any building or part of a building project beyond the regular line of a street, either existing or determined on for the future, or beyond the front

#### New

174. (1) Should any house, shop, wall or other building or part of a building project beyond the regular line of a street, either existing or

<sup>1.</sup> Substituted by Sec. 65 of Punjab Act III of 1933.

of the building on either side thereof the committee may whenever such building or part thereof, has been either entirely or in greater part taken down or burned down, or has fallen down, by notice require such building or part when being re-built to be set back to or towards the said regular line or the front of the adjoining building; and the portion of the land added to the street by such setting back or removal shall become part of the street and shall vest in the committee:

determined on for the future or beyond the front of the building on either side thereof, the committee whenever such house, shop, wall or other building or part thereof, has been either entirely or in greater part taken down or burned down. or has fallen down, by notice require such building or part when being rebuilt to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the street and shall vest in the commitree:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the building or any part thereof being set back.

Provided that the committee shall make full compensation to the owner of the building, or of the land thus vacated for any damage<sup>1</sup> ...he may sustain in consequence of his building or any part thereof being set back.

(2) The committee may, on such terms as it may think fit, allow any building to be set forward for the improvement of the line of the street.

## NOTES.

By the Act I of 1934 the words occuring after the word damage in proviso to 174 (1) till damage occuring in the next line have been omitted. They appeared to be redundant.

Committees very seldom exercise powers given to them under this section. Committees can exercise their powers under this section till the rebuilding of the fallen or burnt portion. If building is built

<sup>1.</sup> Deleted by Sec. 11 of Punjab Act I of 1934.

committee ceases to have any right to enforce its power under this section. Payment of costs is not precedent to the exercise of this right by a committee.

Special provisions regarding streets belonging to Government.

Special provisions regarding streets belonging to Government.

Ment may make in this behalf if any street, being the property of the Local Government and not having been transferred by it, vests in Local Government—

- (a) the committee shall not, in respect of such street, grant permission to do any act, the doing of which without the written permission of the Committee is punishable under section 172 or section 173, or allow any building to be set forward under the provisions of sub-section (2) of section 174, except with the sanction of the Local Government which may be given in respect of a class of cases generally or in respect of a particular case;
- (b) the committee shall, if so required by the Local Government, exercise the power conferred upon it by sub-section (2) of section 172 or sub-section (2) of section 173 or sub-section(1) of section 174 or clause (u) of section 188 or any bye-law made in exercise of the power conferred by clause (u) of section 188 in respect of any encroachment or overhanging structure on or over such street or any materials, goods or atricles of merchandise deposited on such street, or any fence, post, stall or scaffolding erected or set up in any such street or in respect of any building or part of a building which projects beyond the regular line of such street.

Removal or alteration of any balcony, projections or structure, etc on payment of compensation.

Removal or alteration of reasonable compensation, by notice require the owner or occupier of any building within a period of not less than six weeks, to be specified in such notice,

to remove or alter any balcony, projection, structure, or

Added by Sec. 66 of Punjab Act III of 1933.
 Inserted by Sec. 67 of Punjab Act III of 1933.

verandah, erected with the sanction of the committee, overhanging projecting into or encroaching on any street or into or on any drain, sewer or aqueduct therein.

## NOTES.

This section has been greatly amended by the new Act and has been made applicable to encroachments sanctioned under section 172 of this Act.

Notice must be accompained by tender of compensation otherwise notice is defective. 1929 Lah. p., 763. Reasonableness of compensation can be decided by Criminal Court.

This section can be enforced only when the site under encroachment is a part of street. If encroachment is over private property this section is not applicable.

- Power to attach brackets for lamp.

  The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.
- 177. Whoever, without being authorized by the Destroying direction committee, defaces or disturbs any posts, lamp posts, etc. municipal direction-post, lamp or lamp-post or extinguishes any municipal light in any public place, shall be punishable with fine which may extend to ten rupees.
- Bill sticking without owner or occupier or other person for the time being in charge, affixes any posting bill, notice, placard or other paper or means of advertisement against or upon any building, wall, tree, board, fence or pole or writes upon, soils, defaces or marks any such building, wall, tree, board, fence or pole, with chalk or paint or in any other way whatsoever, shall be punishable with fine which may extend to twenty rupees.
- (2) Notwithstanding anything contained in section 228, a Court may take cognizance of an offence under subsection (1) of this section upon the complaint of the owner or occupier or other person in charge of the property in respect of which such offence is alleged to have been committed.

<sup>1.</sup> Sec. 178 numbered as Sub-sec. (1) of Sec. 178 and Sub-sec. (2) added by Sec. 178 and Sub-sec. (3) added by Sec. 178 and Sub-sec. (4) added by Sec. 178 and Sub-sec. (5) added by Sec. 178 and Sub-sec. (6) added by Sec. 178 and Sub-sec. (7) added by Sec. 178 and Sub-sec. (8) added by Sec. 178 and Sub-sec. (9) added by Sec. 178 and Sub-sec. (1) added by Sec. 178 and Sub-sec. (2) added by Sec. 178 and Sub-sec. (2) added by Sec. 178 and Sub-sec. (3) added by Sec. 178 and Sub-sec. (4) added by Sec. 178 and Sub-sec. (5) added by Sec. 178 and Sub-sec.

- 179. (1) The committee may cause a name to be Names of streets and given to any street, and to be affixed on number of buildings. any building in such place as it may think fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.
- (2) Whoever shall destroy, pull down or deface any name or number affixed to any street or building under this section, or put up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.
- The committee may, where it appears to it to be necessary for the prevention of Inflammable danger to life or property, by public notice, prohibit all persons from stacking or collecting timber, wood, dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place within any limits specified in the notice.
- The committee may direct that within certain limits, to be fixed by it, the roofs and external and external walls of huts or other walls not to be made of inflammable materials. buildings shall not be made or renewed of grass mats, leaves or other highly inflammable materials without permission of the committee in writing; and the committee may, by written notice, require any person, who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

## NOTES.

Permission of committee under this section is required when roofs and external walls of huts or other buildings are to be constructed or renewed. No permission is required when repair is to be made to an already constructed roof or wall.

**182**. (1) Whoever, without the permission of the Picketing animals and committee, pickets animals or collects collecting carts. carts on any street, or uses any street as a halting place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

<sup>1</sup>(2) Any animal found picketed, tethered or straying on any public street without the permission of the committee may be removed to a pound by any officer or servant of the committee or by a police officer.

Old

New

- 183. Whoever drives any vehicle after dark in any street, unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punishable with fine which may extend to twenty rupees.
  - 183. 2(1) Whoever drives or propels any vehicle not property supplied with lights in any street during the period from half-an-hour after sunset to half-an-hour before sunrise, shall be punishable with fine which may extend to fifty rupees.
- 3(2) Whoever, in driving, leading or propelling a vehicle along a street, fails without reasonable excuse—
  - (a) to keep to the left, or
  - (b) When he is passing a vehicle going in the same direction, to keep to the right of that vehicle,

shall be liable to a fine which may extend to twenty rupees.

Exception.—This sub-section shall not apply to a municipality wholly or in part situated in a hilly tract.

#### NOTES.

By the new Act the amount of fine has been raised from twenty to fifty and the time for lighting has been made more definite.

Beating drums, etc special prohibition issued by the committee without the permission of the a drum or tomtom, blows a horn or trumpet or beats or sounds any brass or other instrument or utensil, shall be punishable with fine which may extend to twenty-five rupees.

Added by Sec. 69 of the Punjab Act III of 1933.
 Substituted by Sec. 70 of the above Act.
 Added by Sec. 48 of Punjab Act II of 1923.

Explanation.—In the case of bands, each individual member of such band shall be punishable under this section.

- 185. Whoever discharges fire-arms or lets off fireDischarging fire-arms, works, fire balloons or detonators, or
  etc. engages in any game, in such a manner
  as to cause, or be likely to cause, danger to persons passing
  by or dwelling or working in the neighbourhood, or risk of
  injury to property, shall be punishable with fine which
  may extend to twenty rupees.
- Quarrying, blasting, cutting timber or building.

  Quarrying, blasting, cutting timber or building operations in such a manner as to cause, or to be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.
- 187. A committee may, with the previous sanction Powers to levy fees at of the Deputy Commissioner, or if the fairs. Deputy Commissioner is a member of the committee, of the Commissioner, levy small fees for each person attending a fair on which the committee incurs expenditure under section 52 (2) (j) and from persons exposing goods for sale and all persons plying any occupation for gain (except water-carriers, scavengers and others employed in connection with the fair) for defraying the cost of sanitary arrangements, watch and ward and the like.

## CHAPTER X.

#### BYE-LAWS.

- 188. A committee may, and shall if so required by the Local Government, by bye-laws:—
  - (a) render licenses necessary for the proprietors or drivers of vehicles, or animals kept or plying for hire within the limits of the municipality, and fix the fees payable for such licenses and the conditions on

<sup>1.</sup> Substituted by Sec. 71 of Punjah Act III of 1933.

which they are to be granted and may be revoked, and may by such conditions provide among other things for a minimum breadth for wheel tyres and for a minimum diameter of the wheels:

- (b) limit the rates which may be demanded for the hire of any carriage, cart, or other conveyance, or of animals hired to carry loads or persons, or for the services of persons hired to carry loads or to impel or carry such conveyances, and limit the loads which may be '(carried by any animal) or carriage, cart or other conveyances plying for hire, within the limits of the municipality:
- Provided that no bye-law made under clause (a) or clause (b) by the committee of a municipality in which the Hackney Carriages Act, 1879, is in force, shall apply to any vehicle to which that Act applies:
- Provided, also, that the operations of any bye-law made under the provisions of clause (a) or (b) or of any rules made under the Hackney Carriage Act, 1879, may with the sanction of the Local Government, be extended to—
  - (i) any railway station;
  - (ii) the whole or any part of any road so far as such road is situate within ten miles of the limits of the municipality;
  - (iii) the whole or any part of any road leading from the limits of any one municipality or notified area to the limits of any other municipality or notified area if the distance between the said municipalities or notified areas does not exceed fifty miles, and the committees of the said municipalities or notified areas consent to the extension of such bye-law;
- (c) provide for the proper registration of births, marriages and deaths, for the taking of a census;

- (d) fix, and from time to time vary, the number of persons who may occupy a building or part of a building, which is let in lodgings or occupied by members of more than one family, or which is situated within such congested bazar areas as may be specified in the bye-law; and provide—
- (i) for the registration and inspection of such buildings;
- '(ia) for the licensing of hotels and lodging-houses and for the fees payable for such licenses and the conditions on which they may be granted or revoked;
- (ii) for promoting cleanliness and ventilation in such buildings;
- (iii) for the notices to be given and the precautions to be taken in the case of any infectious or contagious disease breaking out in such buildings;
- (iv) for the scavenging, removal and disposal of all rubbish, filth, night-soil, sullage or sewage in such buildings;
- (v) in the case of hotel, serai and lodging-house keepers and the secretaries of residential clubs for the maintenance of registers, in such form as the committee may prescribe, of visitors and lodgers; and
- (vi) generally for the proper regulation of such buildings;
- (e) provide—
  - (i) for the inspection and proper regulation of encamping grounds, pounds, serais, bakeries, aerated-water factories, ice factories, dhobis' ghats, flour mills, food-grain godowns, dispensing chemists' shops and slaughter-houses <sup>2</sup>[and places licensed under section 121];

Added by section 71 of the Punjab Act III of 1953.
 Inserted by section 71 (iv) of the Punjab Act III of 1933.

- (ii) for the inspection and proper regulation of markets, for the preparation and exhibition of a price current and for fixing the fees, rents and other charges, to be levied in such markets;
- (iii) for defining the standard weights and measures to be used in the municipality and for the inspection of weights and measures under section 207;
- (iv) for the holding of fairs and industrial exhibitions within the municipality or under the control of the committee, and for the collection of fees under section 187;
- (v) for controlling and regulating the use and management of burial and burning grounds,
- (vi) for the supervision, regulation and protection from pollution of public wells, tanks, springs or other sources from which water is or may be made available for the use of the public, whether within or without the municipality;
- (vii) for the licensing, inspection and proper regulation of theatres and other places of public resort, recreation or amusement;
- '[(viii) for the inspection and proper regulation of channels which are supplied with water from any canal to which either the Northern India Canals and Drainage Act of 1873 or the Punjab Minor Canals Act, 1905 applies];
- (f) require and regulate the appointment by owners of buildings or land in the municipality, who are not resident in the municipality, of persons residing within or near the municipality to act as their agents for all or any of the purposes of this Act or any rule thereunder;
- (g) where the collection of an octroi or terminal tax has been sanctioned, fix limits for the purpose of collecting the same, and may prescribe routes by which animals or articles or both which are subject to octroi or terminal tax may be

<sup>1.</sup> Inserted by the Punjab Act No. XV of 1926.

- imported into the municipality or exported therefrom;
- (h) render licenses necessary for using premises as stables, cow-houses or houses or enclosures for sheep, goats or swine, and regulate the grant and withdrawal of such licenses:
- (i) in any municipality where a reasonable number of slaughter-houses has been provided or licensed by the committee, control, regulate or prohibit the admission within the municipal limits for the purpose of sale of the flesh (other than cured or preserved meat) of any cattle, sheep, goat or swine slaughtered at any slaughter-house or place not maintained or licensed under this Act, and may provide for the seizure, destruction or disposal otherwise of any flesh brought within municipal limits in contravention of any such bye-law;
- (j) fix premises within the municipality in which the slaughter of animals of any particular kind, not for sale, shall be permitted, and prohibit, except in case of necessity, such slaughter elsewhere within the municipality:

Provided that no such bye-laws apply to animals slaughtered for any religious purpose;

- (k) prohibit the letting off of fire-arms, fire-works, fire-balloons, bombs or detonators except (1) with the permission of the committee or of a municipal officer empowered to give such permission, (2) subject to such conditions as the committee may impose, and (3) on payment of such fees (if any) as may at any time have been fixed by the committee in that behalf;
- (1) regulate the making and use of connections or communications between private houses and premises and mains or service cables, wires, pipes, drains, sewers and other channels established or maintained by the committee, under any of the provisions of this Act;
- (m) regulate the collection, storage, preservation

from pollution, and use of rain-water, and the carrying out of the provision of sections <sup>1</sup>96 to 105;

- (n) regulate the posting of bills and advertisements, and the position, size, shape, and style of nameboards, sign-boards and sign-posts:
- (o) provide for, regulate, require or prohibit the construction, pattern of construction, maintenance and materials of boundary walls, hedges and fences hereafter erected or re-erected so as to abut on a public street or upon property vested in the committee;
- (p) regulate or prohibit any description of traffic in the streets '(and provide for the reduction of noise caused thereby);
- (q) prohibit the storage of more than a fixed maximum quantity of any explosive, petroleum, spirit, naphtha or other inflammable material in any building not registered or licensed under section 121;
- (r) provide for the seizure and confiscation of ownerless animals straying within the limits of the municipality;
- (s) provide for the registration of all or any specified classes of dogs, and in particular and without prejudice to the generality of the foregoing—
  - (i) provide for the imposition of an annual fee for such registration;
  - (ii) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the committee;
  - (iii) provide that any dog, not registered and wearing such token, may, if found in any public place, be detained at a place to be set apart for the purpose, and will be liable to

Inserted by section 71 of the Punjab Act III of 1933.
 Inserted by section 71 of the Punjab Act III of 1933.

be destroyed or otherwise disposed of after a period to be specified in the bye-law;

- (t) render licenses necessary for hand-carts '(employed for transport or) hawking articles for sale, and for the persons using such hand carts, and prescribe the conditions for the grant and revocation of such licenses;
- (u) regulate the conditions on which permission may be given under sub-section (1) of section 173 and provide for the levy of fees and rent for such permission; and
- (v) generally provide for carrying out the purposes of this Act.

## NOTES

Bye-laws framed under this Act in order to be valid must be reasonable and consistent with this Act. If a committee by any bye-law gives meaning to any term different from that given in the Act itself that bye-law is *ultra vires*. 2 Lah., p. 239.

**Delegation.**—Committee cannot delegate powers given under this section to any of its subordinates.

- (a) A vehicle is said to be plying for hire when it fulfils the following two conditions:—
  - (1) There must be a soliciting or waiting to secure passengers by the driver or other person in control without any previous contract with them and (2) the owner or person in control who is engaged in or authorizes the soliciting or waiting must be in possession of a carriage, for which he is soliciting or waiting to obtain passengers. A. I. R. 1931 Lah., p. 569.

Prohibition of building without sanction.

189. (1) No person shall erect or re-erect or commence to erect or re-erect any building without the sanction of the committee.

(2) Every person who intends to erect or re-erect any building shall give notice in writing to the committee of such intention.

<sup>1.</sup> Substituted by section 71 of Punjab Act III of 1933.

New

- (3) A committee may by bye-law—
- Building bye-laws. 1(3) A committee shall by bye-
- (a) prescribe the manner in which notice of the intention to erect or re-erect a building shall be given to the committee;
- (a) prescribe the manner in which notice of the intention to erect or re-erect a building shall be given to the committee;
- (b) require that which every such notice shall be furnished a site plan of the land on which it is intended to erect or re-erect such building and a plan and specification of thebuilding, all of such character and with such details as the bye-law may require of all or any of the matters following, viz.—
- (b) require that with every such notice shall be furnished a site plan of the land on which it is intended to erect or re-erect such building and a plan and specification of the building, of such character and with such details as the bye-law may require;
- (i) free passage or way in front of the building;
- (ii) space to be left about the building to secure free circulation of air, facilitate scavenging and for the prevention of fire;
- (iii) ventilation and the provision of drains, privies, latrines, urinals or cesspools;
- (iv) level and width of

<sup>1.</sup> Substituted by section 72 of Punjab Act III of 1933.

New

foundation, level of lowest floor, and the stability of the structure; and

- (v) the line of frontage with neighbouring buildings, if the building abuts on a street;
- (c) where the building appears likely to be used as a factory, require the provision of adequate housing accommodation in connection therewith.
  - building (c) where the building
    y to be appears likely to be
    factory, used as a factory,
    rovision require the provision
    housing of adequate housing
    on in accommodation in
    erewith.
- (4) Where bye-laws have been framed under this section no notice under sub-section (2) shall be considered to be valid until the information, if any, required by such bye-laws has been furnished to the satisfaction of the committee.

#### NOTES.

Committees can impose those conditions while sanctioning plan which it is competent to impose and are reasonable, such conditions must be observed. If the conditions imposed are unreasonable and in excess of the powers of committee they need not be complied with, 43 P. R. 1905.

Committees to which Executive Officers Act has been made applicable, power to sanction erection of a building vests in the Executive Officer.

## Old

190. (1) The committee may by bye-laws regulate in respect of the erection or reerection of any building within a municipality or part thereof—

## New

Power of committee to make bye-laws as to erection or re-erection of buildings.

(1) The committee may, and if so required by the Local Government shall, by bye-laws regulate in respect of the erection or

<sup>1.</sup> Substituted by section 73 of Punjab Act III of 1933.

New

re-erection of any building within the municipality or part thereof—

- (a) the materials and methods of construction to be used for external and party walls, roofs, floors, fireplaces and chimneys;
- (b) the materials and (b) the method of construction and position of fire-places, chimneys, drains, latrines, pri-
- (c) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;

pools:

vies, urinals and cess-

- (d) the ventilation and the space to be left about the building to secure the free circulation of air and for the prevention of fire;
- (e) the line of frontage where the building abuts on a street;
- (f) the number and height of the storeys of which the building may consist;

- (a) the materials and method of construction to be used for external and party walls, roofs, floors, stair-cases, lifts, fireplaces and chimneys;
- (b) the material and method of construction and position of fire-places, chimneys, drains, latrines, privies urinals and cesspools;
- (c) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;
- (d) the ventilation and the space to be left about the building to secure the free circulation of air and for the prevention of fire;
- (e) the line of frontage where the building abuts on a street;
- (f) the number and height of the storeys of which the building may consist;

- (g) the means to be provided for egress from the building in case of fire; and
- (h) for godowns intended for the storage of food-grains in excess of fifty maunds, the materials and method of construction to be used in order to render them rat-proof.
- (g) the means to be provided for egress from the building in case of fire;
- (h) the materials and method of construction to be used for godowns intended for storage of food-grains in excess of fifty maunds, in order to render them rat-proof.
- (i) the minimum dimensions of rooms intended for use as living rooms or sleeping rooms;
- (j) the ventilation of rooms and the minimum dimensions of doors and windows;
- (k) the position and dimensions of projections beyond the outer face of any external wall of a building; and
  - (1) the height of factory chimneys and the provisions to be made for consumption of smoke arising from the combustible used in any fire-place or furnace in a factory.
- (2) Notwithstanding anything contained in section 193, no person shall erect or re-erect any building in contravention of any bye-law made under section (1).
- Special provision for cases where bye-laws have been made under sub-section (3) of section 189, the committee may, within 14 days of the receipt of the notice required by sub-section (2) of that section, require a person who has given such notice to furnish, within one week of the receipt by him of the requisition, information on all or any of the matters as to which bye-laws might

<sup>1.</sup> The word " and " substituted and words or " either of both " deleted by Sec. 12 of Punjab Act I of 1934.

have been made, and in such case the notice shall not be valid until such information has been furnished.

Old

New

192. The committee may, by resolution, dispense with the observance of any or all of the bye-laws made under sub section (3) of section 189 in regard to the erection or re-erection of any building specified in the resolution.

**1192**. (1) The committee may, and if so Building required by the Commissioner shall, within six months of the date of such requisition, draw up a building scheme for built areas, and a town planning scheme for unbuilt areas. which may, among other things, provide  $\operatorname{for}$ the following matters, namely-

- (a) the restriction of the erection or re-erection of buildings or any class of buildings in the whole or any part of the municipality and of the use to which they may be put;
- (b) the prescription of a building line on either side or both sides of any street existing or proposed; and
- (c) the amount of land in such unbuilt area which shall be transferred to the committee for public purposes including use as public streets by owners of land either on payment of compensation or otherwise: provided that the total amount so transferred shall not exceed 'twenty per cent. and the amount transferred without payment shall not exceed 'ten per cent of any one owner's land within 'such unbuilt area.
- (2) When a scheme has been drawn up under the provisions of sub section (1), the committee shall give public notice of such scheme and shall at the same time intimate a date not less than thirty days from the date of

<sup>1.</sup> Substituted by Sec. 74 of Punjab Act III of 1933. 2. " " I of 1934.

such notice by which any person may submit to the committee in writing any objection or suggestion with regard to such scheme which he may wish to make.

- (3) The committee shall consider every objection or suggestion with regard to the scheme which may be received by the date intimated under the provisions of subsection (2) and may modify the scheme in consequence of any such objection or suggestion and shall then forward such scheme as originally drawn up or as modified to the Commissioner who may, if he thinks fit, return it to the committee for reconsideration and resubmission by a specified date; and the Commissioner shall submit the plan as forwarded, or as resubmitted, as the case may be, with his opinion to the Local Government, who may sanction such scheme, or may refuse to sanction it, or may return it to the committee for reconsideration and resubmission by a specified date.
- (4) If a committee fails to submit a scheme within six months of being required to do so under sub-section (1) or fails to resubmit a scheme by a specified date when required to do so under sub-section (3) or resubmits a scheme which is not approved by the Local Government, the Commissioner may draw up a scheme of which public notice shall be given by notification and publication within the municipality together with an intimation of the date by which any person may submit in writing to the Commissioner any objection or suggestion which he may wish to make, and the Commissioner shall forward with his opinion any such objection or suggestion to the Local Government, and the Local Government may sanction such scheme as originally notified or modified in consequence of any such objection or suggestion, as the Local Government may think fit; and the cost of such scheme or such portion of the cost as the Local Government may deem fit, shall be defrayed from the municipal fund.
- (5) When sanctioning a scheme the Local Government may impose conditions for the submission of periodical reports on the progress of the scheme to the Commissioner or to the Local Government, and for the inspection and supervision of the scheme by the Local Government.

Punishment for erection or re-erection of a building on sanction of a building scheme under section 192.

192-A. If under the provisions of any scheme sanctioned under section 192 the erection or re-erection of buildings in a specified area for specified purpose is prohibited, any person who after such scheme is sanctioned uses any building

for such purpose shall,....<sup>2</sup>unless it was used for this purpose before the scheme was sanctioned, on conviction by a magistrate be liable to fine which may extend to five hundred rupees, and if after such conviction he continues to use such building for such purpose. 'shall be liable to fine which may extend to fifty rupees for every day during which such use continues.

### Old

193. Within two months after the receipt of the notice if any, required by section (2) of section 189 the committee may refuse to sanction the building or may sanction it either absolutely or subject to modification as it may deem fit in respect of all or any of the matters specified in sub-section (3) of that section; and the person erecting or re-erecting any such building as aforesaid shall comply with the sanction of the committee as granted in every particular:

Provided that should the committe in any case except that in which notice has been given of an intention to build upon land belonging to the committee neglect or omit for two months after the receipt of

## New

193. (1) The committee shall refuse Powers of sanction the ereccommittee to sanction tion or re-erection or refuse erection or of any building in re-erection contravention of of buildings. any bye-law made under sub-section (1) of section 190 or in contravention of any scheme sanctioned under sub-section (3) or subsection (4) of section 192, unless it be necessary to sanction the erection of a building in contravention of such a scheme owing to the committee's inability to pay compensation as required by section 174 for the setting back of a building.

(2) The committee may refuse to sanction the erection or re-erection of any building for any other

Added by Sec. 75 of Punjab Act III of 1933.
 Omitted by Sec. 14 of Punjab Act I of 1934.
 Substituted by Sec. 76 of Punjab Act III of 1933.

a valid notice to make and deliver to the person who has given such notice an order of sanction or refusal in respect thereof, it shall be deemed to have sanctioned the proposed building absolutely.

Explanation.—The committee may refuse to sanction the erection or re-erection of any building—

- (i) for any reason it may deem to be just and sufficient as affecting the said building, or
- (ii) in pursuance of a general scheme sanctioned by the Commissioner restricting the erection or received of buildings or any class of buildings—
- (a) for the prevention of overcrowding, or
- (b) in the interests of the residents within such limits, or
- (c) in the inverests of the public generally, or
- (d) for any other public purpose.

The committee may also refuse permission if there is any dispute between the committee and the applicant as to the title of the land on

reason, to be communicated in writing to the applicant, which it deems to be just and sufficient as affecting such building, or if the land, on which it is proposed to erect or re-erect such building, is Government property or vests in the committee, and the consent of Government or the committee has not been obtained, or if the title to the land is in dispute between such person and the committee or the Government.

- (3) Subject to the provisions of sub-section (1) the committee may sanction the erection or re-erection of any building either absolutely or subject to such modifications in accordance with the byelaws and rules as it may deem fit.
- (4) Notwithstanding anything contained in sub-section (1) or sub-section (2) but subject to the provisions of sub-section (2) of section 190, if the committee neglects or omits, within sixty days of the receipt from any person of a valid notice of such person's intention to erect or re-erect a building, or within one hundred and twenty days, if the notice relates to a building on the same or part of the same site, on which sanction for the erection of a building has been refused within the previous twelve months; to pass orders sanc-

which it is proposed to erect the building, until such dispute is decided.

tioning or refusing to sanction such erection or re-erection, such erection or reerection shall, unless the land on which it is proposed to erect or re-erect such buildings belongs to or vests in the committee, be deemed to have been sanctioned, except in so far as it may contravene any bye-law, or any building or town planning scheme sanctioned under section 192:

Provided that should a resolution conveying or refusing such sanction be suspended under section 232 the period prescribed by clause (4) shall commence to run afresh from the date of communication of final orders by the Commissioner or the Local Government under section 235:

Provided, further, that if not less than one-fifth of the members present vote against a resolution conveying sanction, the sanction shall be deemed not to have been conveyed until after the lapse of fourteen days from the passing of the resolution.

#### NOTES.

This section is not applicable when a building is repaired. 122 P. L. R. 1913.

Power of committee to direct modification of a sanctioned plan of a building lefore its completion.

1193-A. If at any time before the completion of a building of which the erection has been sanctioned under section 193 the committee finds that any modification of the sanctioned plan is necessary the

<sup>1.</sup> Added by Sec. 77 of the Punjab Act III of 1933.

committee may, subject to compensation for any loss to which the owner may be put, direct that the building be modified accordingly.

Old

194. Every sanction for the erection or re-erection of any building which shall be given or be deemed to have been given, by a committee, shall remain in force for one year only from the date of such sanction. Should the erection or re-erection of the building not have been commenced within the said period of one year, the sanction should be deemed to have lapsed; but such lapse shall not bar any subsequent application for fresh sanction under the foregoing provisions of the Act.

Nean

Lapse of sanction of any after one the date of such tank tion.

Lapse of the erection of any erection of any building which shall be given, or be deemed to have the energiven by a shall be given by a shall

been given, by a committee, shall remain in force for one year only from the date of such sanction, or for such longer period as the committee may have allowed when conveying sanction under section 189. Should the erection or reerection of the building not have been commenced within one year and completed within two years or such longer period as may have been allowed by the committee the sanction shall be deemed to have lapsed; but such lapse shall not bar any subsequent application for fresh sanction under the foregoing provisions of the Act.

#### NOTES.

Formerly there was no limit within which a building was to be completed. Now this limit has been specified by the new Act III of 1933.

Penalty for disobedience, Are

<sup>2</sup>195. Should a building be begun, erected or re-erected—

Substituted by Sec. 78 of Punjab Act III of 1933.
 Substituted by Sec. 79 of Punjab Act III of 1933.

- (a) without sanction as required by section 189 (1); or
- (b) without notice as required by section 189 (2); or
- (c) when sanction has been refused,

the committee may, by notice delivered to the owner within six months from the completion of the building, require the building to be altered or demolished as it may deem necessary within the period specified in such notice; and should it be begun or erected—

#### Old

- (d) in contravention of the terms of any sanction granted; or
- (e) when the sanction has lapsed; or
- (f) in contravention of any bye-law made under section 190,

#### New

- (d) in contravention of the terms of any sanction granted; or
- (e) When the sanction has lapsed; or
- (f) in contravention of any bye-law made under section 190; or in the case of a building of which the erection has been deemed to be sanctioned under section 193 (4), if it contravenes any bye-law or any scheme sanctioned under section 192,

the committee may, by notice to be delivered to the owner within six months from the commencement of the building, or from the contravention of the terms of any sanction, or of any bye-law framed under section 190 as the case may be, require the building to be altered or demolished as it

the committee may, by notice to be delivered to the owner within six months from the completion of the building, require the building to be altered in such manner as it may deem necessary, within the period specified in such notice:

Old

New

may deem necessary within the space of thirty days from the date of the service of such notice:

Provided also that no such notice shall issue in respect of the contravention of any bye-law, the observance of which has been dispensed with under section 192:

Provided also that the committee may, instead of requiring the alteration or demolition of any such building, accept by way of composition such sum as it may deem reasonable.

Provided that the committee may, instead of requiring the alteration or demolition of any such building, accept by way of compensation such sum as it may deem reasonable:

Provided also that the committee shall require a building to be demolished or altered so far as is necessary to avoid contravention of a building scheme drawn up under section 192.

#### NOTES.

A notice issued under this section within six months of the knowledge of erection has been held valid. A. I. R. 1930 Lah., p. 478.

Remedies.—Order passed under this section is appealable. Therefore a person to whom notice under this section is issued, can appeal under section 225 of this Act to the Commissioner. If the action of the committee in issuing notice is not bona fide, aggrieved person can bring suit in a civil court without availing of the other remedy.

195-A¹ (1) Where a building is begun as described in section 195 but not completed, the to step building operations. In section 195 but not completed, the committee may ²by notice to be delivered to the owner within six months from the commencement of the building, or from the contravention of the terms of any sanction, or of any byelaw framed under section 190, as the case may be, require the building operations to be discontinued from the date of the service of such notice.

<sup>1.</sup> Added by section 54 of Punjab Act II of 1928.
2. Substituted for the words "within six months by notice" by Punjab Act XV of 1926.

(2) Any person failing to comply with the terms of such notice shall be punishable with a fine which may extend to one thousand rupees and when the non-compliance is a continuing one, with a further fine which may extend to fifty rupees for every day after the first during which the non-compliance continues.

196. (1) No compensation shall be claimable by an owner for any damage which he may sustain in consequence of the prohibition of erection of any building.

Old

(2) The committee shall make full compensation to owner for any damages which he may sustain in consequence of the prohibition of the re-erection of any building:

Provided that the committee shall not be liable to make any compensation in respect of the prohibition of the re-ection of any building which, a period of three years or more immediately preceding such prohibition, has ceased to be fit for occupation or to exist having been demolished or destroyed has not been re-erected.

New

(2)¹ The committee shall make reasonable compensation to the owner for any damage or loss which he may sustain in consequence of the prohibition of the recetion of any building or part of a building except in so far as the prohibition is necessary under any bye-law:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back, unless for a period of three years or more immediately preceding such notice the building has by reason of its being in a ruinous or dangerous condition become unfit for human habitation or unless an order of prohibition issued under section 116 has been and still is in force in respect of such building.

<sup>1.</sup> Substituted by section 80 of Punjab Act III 1983.

Powers for committee to regulate the manufacture, preparation and sale of food and drink. 1197. The committee may and shall, if so required by the Local Government by bye-law—

- (a) prohibit the manufacture, sale or preparation or exposure for sale of any specified articles of food or drink in any place or premises not licensed by the committee;
- (b) regulate the hours and manner of transport within the municipality of any specified articles of food or drink and prescribe the route by which such articles shall be carried;
- (c) prohibit the sale of milk, butter, ghi, curd, meat, game, fish and poultry by persons not licensed by the committee;
- (d) prohibit the import into the municipality for sale of milk, cream, butter, ghi, curd, meat, game, fish and poultry, by persons not licensed by the committee;
- (e) make regulations for the grant and withdrawal of licenses and the levying of fees thereof under this section:

Provided that no person shall be punishable for breach of any bye-law made under clause (a) of this section by reason of the continuance of such manufacture, preparation or exposure for sale, or sale upon any premises which are, at the time of the making of such bye-law, used for such purpose until he has received from the committee six months' notice in writing to discontinue such manufacture, preparation or exposure for such sale or such sale in such premises:

Provided, further, that nothing herein contained shall affect the operation of section 43 of the Punjab Laws Act, 1872, and the rules made thereunder.

#### NOTES.

Committees cannot under this section frame bye-laws regarding restricting places for sale of vegetables and fruits.

<sup>1.</sup> Substituted by section 81 of Punjab Act III of 1933.

Prohibitions of possession of sale of wild birds and animals.

Local Government under section 3 of the Wild Birds and Animals Protection Act, 1912, shall, whether dead or alive, be possessed or sold during such close time within any municipality; and no such bird or animal shall at any other time be sold within any municipality except under an annual license to be granted by the committee: provided that these prohibitions shall not extend to wild birds or animals possessed or sold as pets.

- 198. In the municipalities of Simla, Dharmsala, Additinal power to Dalhousie and Murree, the committee make bye-laws in hill may further make bye-laws,—municipalities.
  - (a) for regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or removal of soil or quarrying, where such regulation or prohibition appears to the committee to be necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of landslips or of the formation of ravines or torrents, or the protection of land against erosion or the deposit thereon of sand, gravel or stones;
  - (b) for fixing places where timber or wood of any description may be stacked, and for regulating the manner in which such timber or wood, as the case may be, may be stacked, where such regulation appears to the committee to be necessary for the prevention of fire or other danger or grave inconvenience to the public or landslips or other injurious disturbance of the surface of any land;
  - (c) for rendering licenses necessary within the municipality—
    - (i) for persons working as job porters for the conveyance of goods,
    - (ii) for animals or carriages let out on hire for a day or part thereof, and

<sup>1.</sup> Added by Sec. 56 of Punjab Act II of 1923.

- (iii) for persons impelling or carrying carriages;
- (d) for fixing the fees payable for such licenses as are referred to in this section, and the conditions on which such licenses are to be granted and may be revoked.

#### NOTES.

Excavations refer to excavations made in public places and not in private places. A. I. R. 1929 Lah., p. 845.

- Penalty for infringement of bye-laws.

  Penalty for infringement of bye-laws.

  Of this chapter, the committee may direct that a breach, or an abetment of a breach of it, shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.
- (2) In lieu of or in addition to such fine, the magis trate may require the offender to remedy the mischief so far as is within his power.

Procedure for making bye-laws. All bye-laws made under this Act shall be subject to previous publication.

- 201. (1) No bye-law made under any section of this chapter shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may prescribe in this behalf.
- (2) The Local Government may cancel its confirmation of any such bye-law, and thereupon the bye-law shall cease to have effect.
- 202. (1) A copy of all bye-laws made under this

  Bye-laws to be available for purchase and at the committee's office, and shall be open during office hours without charge to the inspection of any inhabitant.

<sup>1.</sup> The word "such" was omitted by Sec. 2 of Punjab Act II of 1919.

(2) Copies of all such bye-laws shall be kept at the committee's office for sale to the public at a price not exceeding one rupee.

# CHAPTER XI.

# OF PROCEDURE.

# Powers of entry and inspection.

- 203. (1) The Committee may authorize any person Inspection of drains, to enter, between sunrise and sunset, privies and cesspools. into any building or upon any land and to inspect any drain, privy, latrine, urinal, cesspool, cable, wire, pipes, sewer or channel therein, or thereon, and to cause the ground to be opened where such person aforesaid may think fit for the purpose of preventing or removing any nuisance arising from the drains, privies, latrines, urinals, cesspools, cables, wires, pipes, sewers or channels.
- (2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it be found that no nuisance exists or but for such opening would have arisen, the ground or portion of any building, drain or other work, if any, opened, injured or removed for the purpose of such inspection, shall be filled in, reinstated and made good by the committee.
- (3) No building other than a latrine, urinal, or privy, shall be entered under this section until six hours' notice in writing has been given to the occupier of the building by the committee or by the person authorised by the committee to make the entry.
- 204. (1) The committee may authorize any person Inspection of buildings, after giving three hours' notice to the etc. occupier, or, if there be no occupier, to the owner of any building to enter and inspect it at any time between sunrise and sunset where such inspection appears necessary for sanitary reasons.

- (2) If the building to be inspected is a stable for horses or a house or shed for cows or other cattle, previous notice shall not be requisite before inspection.
- 205. The committee may authorize any person, Other powers of entry after giving twenty-four hours' notice to the occupier, or if there be no occupier, to the owner of any building or land, at any time between sunrise and sunset—
  - (a) to enter on and to survey, and to take levels or measurements of any buildings or land;
  - (b) to enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any work which it is by this Act empowered to execute or to maintain;
  - (c) to enter into any building or on any land for the purpose of inspecting or repairing gas, water, telephonic, electric or other installations and for taking readings of meters connected therewith.
  - <sup>1</sup>(d) to enter into any building or on any land for the purpose of ascertaining whether any building is being or has been erected or re-erected without sanction or in contravention of any sanction given by the committee or of any bye-laws made under section 190 or of any scheme sanctioned under section 192 and to take such measurements and do any other such acts as may be necessary for such purpose.
- 206. The committee may authorize any person at to inspect places all reasonable times to enter into and to Power to inspect places inspect any market, building, shop, stall for sale of food or drink etc., and to seize un or place used for the sale of food or wholesome articles exposed for sale. drink for man, or as a slaughter-house, or for the sale of drugs, and to inspect and examine any food or drink, animal or drug, which may be therein; and, if any article of food or drink, or animal therein, appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

<sup>1.</sup> Added by section 82 of Punjab Act III of 1933.

and, in case it is reasonably suspected that any drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, to remove the same giving a receipt therefor, and to cause the owner thereof to be brought before a magistrate for enquiry whether any offence has been committed in respect thereof, and for orders as to the disposal of said drug.

#### NOTES.

This section empowers committees to inspect places where articles intended for the consumption of human beings are displayed for sale and not such places where articles for the consumption of animals are sold. This section empowers person authorised by committees to inspect under this section to destroy articles intended for human consumption if they are unfit, but not drugs. In the case of drugs, the municipal employee is to take owner of drugs before the magistrate for enquiry.

- **207**. The Committee, by any person authorized by it in this behalf, may at all reasonable Inspection of weights and measures and seizure times, enter into and inspect any market. of talse weights, etc. building, shop, stall or place used for the sale of any goods, food, drink or drug, and may inspect any instruments for weighing, weights or measures found therein and test the same with other weights and measures, and may seize any such instrument for weighing, weight or measure which the person so authorized reasonably believes to be false or not in accordance with bye-laws made by the committee under section 188 (d) (iii), and may take the same to be examined or tested by the officer appointed for the purpose.
- (2) Every person for the time being in charge of or employed in such market, building, shop, stall or place shall, if so requested by the person making such inspection, produce for such inspection and comparison all instruments for weights and measures kept therein.
- 208. If there are reasonable grounds for believing that any animal has been, is being, or is about to be, slaughtered in any place or premises not fixed for such purpose under section 167 or in contravention of any bye-law made under section 188 (e) (i), the committee by any person authorized by it in this behalf may, at all reasonable times, enter into and inspect any such place or premises:

Provided that no entry shall be made under the provisions of this section without an order in writing from the president or from the 'medical officer of health. Such order shall specify the place or premises to be entered and the locality in which the same is situate and the period (which shall not exceed seven days) for which it is to remain in force.

- 209. Whoever, in contravention of section 205 or Refusal to suffer in section 206 or section 207 or section 208 or section 211, refuses to 205 to 208. Suffer inspection of any premises, food, drink, drug, animal, weight, measure or instruments for weighing, or, in contravention of section 207, clause (2), refuses to produce any weight, measure or instrument for weighing to which he has access, shall be punishable with fine which may extend to two hundred rupees.
- Search for inflammable or explosive material in excess of authorized quantity.

  Search for inflammable or explosive material in excess of authorized which is suspected to contain petroleum, explosive or other inflammable material, in excess of the quantity permitted to be kept in such house or building under the provisions of this Act or of any rule, bye-law or public notice made or published thereunder.
- (2) Should any such excess quantity of such n aterial be discovered, it may be seized and held subject so such order as a magistrate may pass with respect to it.
- (3) If the magistrate decide that the material seized was stored in the house or building contrary to the provisions of this Act or of any rule, bye-law or public notice made or published thereunder, he shall pass an order confiscating the same.
- (4) Subject to any general rules for the time being applicable thereto, the material confiscated may be sold by order of the magistrate, and the proceeds, after defraying the expenses of such sale, shall be credited to the municipal fund.

<sup>1.</sup> Substituted for the words "health officer" by Sec. 57 of Punjab Act II of 1923.

(5) No order of confiscation under this section shall operate to prevent any other criminal or civil proceedings to which the person storing the material in excessive quantity may be liable.

#### Old

211. The Committee may authorise any officer to enter, at any time, after three hours' notice into any building or premises in which any infectious disease is reported or suspected to exist, for the purpose of inspecting such building or premises.

#### New

- $^{1}(1)$ The 211. Medical Officer of Health Power cf entry for oranv other purpose officer authorized preventing by the committee spread disease. may enter, at any time. after three hours' notice into any building or premises in which any infectious disease is reported or suspected to exist, for the purposes of inspecting such building or premises.
- (2) No such inspection shall be made except in the hours between sunrise and sunset.
- 212. The committee may authorize persons to exercise the powers of entry conferred by the foregoing sections of this chapter either generally in regard to all buildings and lands or particularly in regard to specified buildings and lands or classes of buildings and lands.
- Precautions to be observed in entering gard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who according to custom does not appear in public, is entered under this Act, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Notices and consequences of non-compliance.

214. When any notice under this Act require any Reasonable time for act to be done for which no time is fixed compliance to be fixed. by this Act, it shall fix a reasonable time for doing the same.

<sup>1.</sup> Substituted by Sec. 83 of Punjab Act III of 1933.

#### NOTES.

In order that a notice issued under this Act be valid, it must specify time within which an act is required to be done. If notice does not specify time, it is defective and invalid. A. I. R. 1925 Lah., p. 146.

Act for which no time is fixed.—Where law does not fix any time to be given in a notice, committee is to fix time by a resolution; the time fixed must be reasonable. Reasonableness of time depends on the circumstances of each case.

Authentication service this Act or under any rule or bye-law and validity of notice. shall be in writing signed by the president, vice-president, secretary or assistant secretary, or by the members of any sub-committee specially authorized by the committee in that behalf, and '[every such notice and every order made under section 193] may be served on the person to whom it is addressed, or delivered or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be affixed to some conspicuous part of his place of abode or business.

<sup>1</sup>[Provided that such notice may be signed by the medical officer of health when it is issued by the committee under any section of this Act under which power may be delegated to the medical officer of health under clause (b) of section 33 and has been so delegated.]

- (2) When the place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.
- (3) If the owner of any property has no place of abode or business within the municipality, every such notice addressed to him as such owner may be served on the occupier.
- (4) When the place of abode or business of the occupier of any property is not known, every such notice ad-

<sup>1.</sup> Inserted by Sec. 58 of Punjab Act II of 1923.

dressed to him as such occupier may be served by affixing it to some conspicuous part of the property.

- (5) No notice issued by the committee under this Act or under any rule or bye-law shall be invalid for defect of form.
- Service when owner and occupier are different persons, such notice shall be given to the owner or occupier are different persons, such notice shall be given to the one of them primarily liable to comply with such notice, and in case of doubt to both of them:

Provided that in any such case, where there is no owner resident within the municipality, the delivery of such notice to the occupier shall be sufficient.

- Mode of giving notice to owner or occupier of property.

  Mode of giving notice to owner or occupier of any property and he is unknown, it may be given or served—
  - (a) by delivering a written notice to some person on the property, or, should there be no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property; or
  - (b) by putting into the post a pre-paid letter containing a written notice and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.
- 218. Every public notice given by a committee Publication of public under this Act or any rule or bye-law shall be published by proclamation or in such other manner as the Local Government may, by rule, direct.

#### NOTES.

Public notice is required to be given by committees under the following sections of this Act:—103, 106, 107, 109, 149, 152, 154, 159, 168(2), 173(3), 180, 192(2) and 210.

219. Whoever disobeys any lawful direction or prohibition given by the committee by public notice under this Act or any mittees. written notice lawfully issued by it thereunder, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided that, when the notice fixes a time with which a certain act is to be done and no time is specified in this Act, it shall rest with the magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

#### NOTES.

In order that a person be punished under this section complaint must be under this section otherwise conviction is bad. A. I. R. 1931 Lah., p. 98.

Court cannot order composition of the case. A. I. R. 1923 Lah., p. 686.

Limitation for Prosecution.—There is no provision either in this Act nor in the Limitation Act which lays down the period within which complaint should be filed hence complaint can be filed at any time.

Disobedience of a notice which gives direction partly legal and partly illegal is no offence for it has been held that a notice which contains two directions, one of which is good and the other bad, is bad in its entirety and hence failure to comply with it does not make the person liable to the penalty prescribed by law. A. I. R. 1933 Lah., p. 935.

219-A.¹ Every person convicted of an offence under Compensation for this Act on account of any act or omission, shall, notwithstanding any punishment to which he may have been sentenced for such offence, pay compensation, the amount of which shall be determined by the magistrate before whom he was so convicted,

<sup>1.</sup> Added by Sec. 59 of Punjab Act II of 1923.

to the committee for any damage that may have occurred to any property of the committee, in consequence of such act or omission.

Power of committee in event of non-compliance.

Power of committee been complied with, the committee may, after six hours' notice, by its officers, cause the act to be done.

#### NOTES.

When a person has failed to do anything that is required by notice, committee is empowered to have that done and not more. If immoveable encroachment can be altered without demolition so as to conform with the sanction, there is no jurisdiction for wholesale demolition. A. I. R. 1929 Lah., p. 566.

Penalty for obstruction. tee, or any officer or servant of the committee or any person authorised by the committee, in the exercise of the powers conferred by this Act, shall be punishable with fine which may extend to one 'hundred rupees.

NOTES.

If order of committee is vague and indefinite, disobedience of that order is no offence. 5 P. L. R. 1914.

- 222. (1) Where, under this Act, the owner or occuRecovery of costs of pier of property is required by the
  execution. committee to execute any work and default has been made in complying with the requirement,
  and the committee has executed the work, the committee
  may recover the cost of the work from the person in
  default.
- (2) As between themselves and the committee both owner and occupier shall be deemed to be in default for the purposes of this section, but that one of them shall be deemed to be primarily in default upon whom, as between landlord and tenant, the duty of doing the required act would properly fall either in pursuance of the contract of tenancy or by law.
- (3) When the person primarily in default is the owner, and the committee has recovered the whole or any part of the cost from the occupier, or he has paid the same

<sup>1.</sup> Substituted for the word "fifty" by Sec. 60 of Punjab Act II of 1923.

upon its demand, he may deduct the sum so recovered or paid from the rent from time to time becoming due from him to the owner, or otherwise recover it from such owner;

Provided that no occupier shall be required to pay under sub-section (3) any sum greater than the amount for the time being due from him to the owner, either in respect of rent due at the date of such demand as aforesaid or thereafter accruing, unless he has refused on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

- (4) All money recoverable by a committee under this section may be recovered either by suit or on application to a magistrate having jurisdiction within the municipality by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of the property shall, until it is paid, be a charge on the property.
- (5) Nothing in this section shall affect any contract between an owner and an occupier.
- (6)¹ Where under section 113 or section 114 the committee has executed any work, the cost thereof be recovered from the owner or occupier in connection with work done under section 113, and from the owner in connection with work done under section 114, in the manner herein provided for the recovery of the cost of work from a defaulting owner or occupier and subject to the provisions herein contained.
- 223. (1) When any person, by reason of his receiving Relief to agents and of immoveable property as agent or trustee, sof a person or society, would, under this Act, be bound to discharge any obligation imposed by this Act on the owner of the property for the

<sup>1.</sup> Added by Sec. 61 of Punjab Act II of 1923.

<sup>2.</sup> Added by Sec. 62 of Punjab Act II of 1923.
3. Substituted for the words "or of his being as agent or trustee the person who would receive the rent if the property were let to a tenant" by Sec. 62 of Punjab Act II of 1923.
4. The word "and" was omitted by Sec. 62 of Act II of 1923.

discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hand funds belonging to the owner sufficient for the purpose.

- (2) The burden of proving the fact entitling an agent or trustee to relief under this section shall lie on him.
- (3) When any agent or trustee has claimed and established his right to relief under this section, the committee may give him notice to apply to the discharge of such obligation as aforesaid, the first moneys which shall come to his hands on behalf or for the use of the owner, and should he fail to comply with such notice, he shall be deemed to be personally liable to discharge such oligation.

Payment of compensation by the committee.

- Payment of compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act, and shall make such compensation where the damage was caused by the negligence of the committee, its officers or servants, and the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.
- (2) Should any dispute, 'for the settlement of which no express provision is made by any other section, arise touching the amount of any compensation which the committee is required by this Act to pay or empowered to receive for injury to or in respect of any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land Acquisition Act, 1894, with reference to the acquisition of, and payment of compensation for land for public purposes so far as it can be made applicable.

Appeals from orders, etc.

Appeals from orders of committee.

225. (1) Any person aggrieved—

<sup>1.</sup> Substituted by Sec. 84 of Punjab Act III of 1933.

- (a) by the refusal of a committee under section 193 to sanction the erection or re-erection of a building, or
- (b) by a notice from a committee under section 171 requiring a street to be drained, levelled, paved, flagged, metalled or provided with proper means of lighting, or declaring a street to be a public street, or under section 195 requiring the alteration or demolition of a building, or
- (c) by any order made by a committee under the powers conferred upon it by sections 107, 116, 121, 123 or 124,

may appeal within thirty days from the date of such prohibition, notice or order to such officer as the Local Government may appoint for the purpose of hearing such appeals or any of them, or, failing such appointment, to the Commissioner in the case of a committee of a first class municipality, or to the Deputy Commissioner in the case of a committee of a second class municipality; and no such refusal, notice or order shall be liable to be called in question otherwise than by such appeal:

Provided that, if in the latter case the Deputy Commissioner or such other officer as aforesaid be himself a member of the committee, the appeal shall lie to the Commissioner.

- (2) The appellate authority may, if it shall think fit, extend the period allowed by sub-section (1) for appeal.
- (3) The order of the appellate authority confirming, setting aside or modifying the refusal, notice or order appealed from shall be final:

Provided that the refusal, notice or order shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

#### NOTES.

The word used in this section is "person" and not party. Hence a person though not party to the proceedings in which this

<sup>1.</sup> The word "street" has been substituted for "way, road, lane, square, court, alley, passage or open space" by Sec. 85 of the Punjab Act III of 1983.

order is made can appeal against that order, provided he is aggrieved by the passing of that order.

Effect of failure to appeal.—Jurisdiction of civil courts to pronounce judgment upon the acts of committees is not creation of this law. The right to appeal given under this section is the creation of this law. The right to appeal given nuder this section is the creation of this law. Therefore a person though entitled to appeal against the order of committee instead of filing appeal, can bring suit in a civil court against that finding of the committee, provided the action of the committee is mala fide or ultra vires. 118 P. L. R. 1911, 62 P. R. 1919.

- 226. When any order of the kind specified in Prosecution to be sussection 107, section 123 and section 219 pended in certain cases. is subject to appeal, and an appeal has been instituted against it, all proceedings to enforce such order and all prosecutions for any breach thereof shall be suspended pending the decision of the appeal, and, if such order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.
- 227. Every order of forfeiture under section 165

  Appeals from certain and every order under section 166 or orders. section 210 shall be subject to appeal to the next superior court, but shall not be otherwise open to appeal.

  Offences and prosecutions.

228. Unless otherwise expressly provided no court Authority for prosecushall take cognizance of any offence tion. Shall take cognizance of any offence punishable under this Act or any rule or any bye-law thereunder, except on the complaint of, or upon information received from, the committee or some person authorized by the committee in this behalf.

Explanation.—The committee may authorize '(any person and shall be deemed to have authorised any person appointed to this end by the Local Government) to make complaints or give information without previous reference to the committee, either generally in regard to all offences against this Act and the rules or bye-laws thereunder, or particularly in regard only to specified offences or offences of a specified class. The person authorized may be authorized by office, if he is president, vice-president, medical officer of health or secretary of the committee or officer in

<sup>1.</sup> Added by Sec. 86 of Punjab Act III of 1933.

charge of a police station; in other cases the authority must be personal. The authority must in all cases be in writing, and may at any time be cancelled by the committee.

#### NOTES.

By virtue of this section general authority to file civil, revenue and criminal cases on behalf of committees cannot be given. This section empowers committees to authorise persons on its behalf to file complaints only. This granting of authority is essential for offenders must be brought to justice as soon as possible and much time is required for the calling of meeting of the committee and passing of a resolution. In the meanwhile person who has committed the offence can go to some unknown place.

Authority may be general or special but in both cases authority must be in writing. When authority is given for instituting complaint against a particular person in that case resolution empowering particular person must give the name and other particulars of the person against whom complaint is to be filed. 4 Lah., p. 120.

When general authority to file complaints is granted, names of accused are not to be mentioned. A. I. R. 1928 Lah., p. 27.

Authority by name or office.—President, Vice-president, Medical Officer of Health, Secretary of the committee or officer incharge of a police station can be authorised by virtue of their office. If any person besides these is to be empowered, he must be done by name and not by office.

Complaint filed by an unauthorised person.—If complaint is filed by a person on behalf of a committee and he is not authorised to do so, it is no complaint and conviction if made in such a case is illegal. 4 P. R. 1917 Cr.

Delegation of power in civil and revenue cases.—There is no provision in the Act by which committee is empowered to give general power of attorney to an individual to defend or institute cases against or on behalf of it. It must pass resolution in each case empowering an individual to defend a case against it or institute on its behalf. What the committee can do is only to delegate the conduct of the suit to someone else but cannot delegate the right to decide whether a suit shall or shall not be brought. A. I. R. 1932 Lah., p. 388.

Ratification.—If a committee, though not legally empowered to authorise secretary or other officer to file civil or revenue suit, empowers him to do so and later on by a resolution approves of his act, such ratification will not make the action of the secretary valid for

an action illegal *ab initio* cannot be later on made valid. A. I. R. 1932 Lah., p. 388.

Signing and verification of plaints.—No resolution of a committee is required to empower secretary to sign and verify plaints and written statements in civil and revenue cases for O. 29, R. 1, C. P. C., empowers him to do so. He requires authority of the committee to present plaint or written statement.

Appeal.—No fresh authority is required to file appeal against judgment or order passed in a suit for which authority has been taken. No fresh authority is required to execute decree passed in a suit for which permission was taken.

This section applies to offences committed against municipal law.

- 229. (1) The committee or with the authorization Power to compound of the committee its president, vice-offences. president medical officer of health or secretary, or any sub-committee thereof, may accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Act or any rule or bye-law, a sum of money by way of composition for such offence.
- (2) On payment of such sum of money the suspected person if in custody shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded for.
- (3) Sums paid by way of composition under this section shall be credited to the municipal fund.
- (4) Authorization under sub-section (1) to accept composition for alleged offences may be given by the committee either generally in regard to all offences under this Act and the rules, bye-laws or particularly in regard only to specified offences or offences of a specified class, and may at any time be withdrawn by the committee.
- <sup>1</sup>(5) If the committee has not authorized any of the officers specified in sub-section (1), it shall, if so required by the Commissioner, give such authorisation to any of the officer specified in sub-section (1) and shall not withdraw authorisation given on such requisition without the sanction of the Commissioner.

<sup>1.</sup> Added by Sec. 87 of Punjab Act III of 1933.

#### NOTES.

There is no provision in this Act which prohibits officers authorised under this section to compromise even when the committee has refused to exercise discretion given to it under proviso of section 195 of this Act.

This section does not override section 248, Cr. P. C., therefore magistrate is not bound to permit withdrawal of complaint unless he finds sufficient reasons to give such permission even though the offence has been compromised by an officer of the committee authorised to do so under this Act.

Member not to be deemed interested in a party to, or personally interested in, any prosecution for an offence punishable under this Act or any rule or byelaw, or under any other law, within the meaning of section 556 of the Code of Criminal Procedure, 1898, by reason only that he is a member of the committee by the order or, under the authority, of which it has been instituted.

### CHAPTER XII.

CONTROL.

Old

New

231. (1) The Commissioner of the division or the Deputy Commissioner of the district may—

**231**. (1) <sup>1</sup>The Commissioner or Deputy Control by Commissioner Commissioner and within their res-Deputy pective charges, or Commissioner. any official not below the rank of Extra Assistant Commissioner authorised in writing by the Commissioner in the case of the municipalities of the first class or the Deputy Commissioner in the case of municipalities of the second class or any person empowered by the Local Government in this behalf

<sup>1.</sup> Substituted by Sec. 88 of Punjab Act III of 1933.

by a general or special order may—

(a) enter on, inspect and survey, or cause to be entered on, inspected and surveyed, any immoveable property within the limits of the division or district respectively, occupied by any committee or joint committee, or any work in progress under its direction;

(b) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee having authority within the said limits;

(a) enter on, inspect and survey or cause to be entered on, inspected and surveyed, any immoveable property occupied by any committee or joint committee, or any work in progress under its direction;

(b) by order in writing addressed to the secretary, call for and inspect cause to be inspected any book or document in the possession or under the control of any committee or joint committee and the member or servant of the committee in possession of such book or document shall immediately place such book or document at the disposal of the secretary, who shall immediately comply with such order and shall immediately inform the President of the requisition. He also bring the matter to the notice of the committee at its meeting next following.

c) by order in writing require any such committee or joint committee to furnish such statements, accounts, reports and copies of

(c) by order in writing addressed to the Sectary require any such committee or joint committee to furnish within a specified

period such statements

accounts, reports and

copies of documents

relating to the pro-

ceedings or duties of the committee as he may think fit to call

(d) inquire generally into

the affairs of a com-

mittee or joint com-

documents relating to the proceedings or duties of the committee as he may think fit to call for; and

- (d) record in writing, for the consideration of any such committee or joint committee any observations he may think proper in regard to the proceedings or duties of the committee.
  - mittee with a view to ascertaining whether a municipality is being satisfactorily administered, and for the purposes of such inquiry make use of any property of the committee, and of the powers mentioned in clauses (a), (b) and (c), and the members, officers and servants of the committee shall render such assistance in the inquiry as may be deemed necessary.

for;

(2) Every committee shall submit such periodical reports to the Deputy Commissioner or other authority as the Local Government may direct:

Provided that the powers of a Commissioner or Deputy Commissioner under clause (a) may be exercised by any other officer or officers empowered by the Local Government in this behalf by a general or special order.

Explanation.—Any person so empowered shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The Commissioner or the Deputy Commissioner may record in writing for the consideration of any such committee or joint committee any observations that he may think proper in regard to the proceedings or duties of the committee.

(3) Every committee shall submit such periodical reports to the Deputy Commissioner or other authority as the Local Government may direct.

#### NOTES.

This section has been amended greatly by the new Act III of 1933. Now Extra Assistant Commissioners when authorised in writing by Commissioners in case of municipalities of first class and by Deputy Commissioners in case of municipalities of second class, can enter and inspect and survey immovable property owned by municipal committees. Another change that has been made is that requisition is to be addressed to the Secretary. He is bound to produce that document or book immediately.

The Commissioner or Deputy Commissioner may, by order in writing, suspend the Powers to suspend any execution of any resolution or order of resolution or order of a committee or joint committee, or prohibit the doing of any act which is about to be done, or is being done in pursuance of or under cover of this Act, or in pursuance of any sanction or permission granted by the committee in the exercise of its powers under the Act, if, in his opinion, the resolution, order or acts in excess of the powers conferred by law or [contrary to the interests of the public or likely to cause waste or damage of municipal funds or property or] the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace '[to encourage lawlessness] or to cause injury or annoyance to the public or to any class or body of persons.

#### NOTES.

This section has been amended by the new Act III of 1933. The effect of amendment is that the chances to exercise discretion under this section have been extended.

233. (1) In case of emergency the Deputy Com-Extraordinary power missioner may provide for the execuof Deputy Commissioner tion of any work, or the doing of any in cases of emergency. act which a committee empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety

<sup>1.</sup> Inserted by Sec. 89 of Punjab Act 1II of 1933.

of the public, and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the committee.

- (2) Should the expense be not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as may from time to time be possible, from that balance, in priority to all other charges against the same.
- Power to provide for performance of duties in case of default of committee.

  Power to provide for performance of duties in case of default of committee.

  This Act, lor by any order or rule under this Act, he may, by an order in writing, fix a period for the performance of that duty; and, should it not be performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense thereof shall be paid within such time as he may fix by the committee.
- (2) Should the expense be not so paid, the Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as may from time to time be possible from that balance, in priority to all other charges against the same.
- (3) The Deputy Commissioner shall have the same powers with respect to committees of the second class as are by this section conferred upon the Commissioner with respect to committees of the first class.
- Action of Deputy order, under section 232, section 233 or commissioner or Comsissioner to be immediately reported.

  Action of Deputy order, under section 232, section 233 or section 234, he shall forthwith forward to the Commissioner makes any order under section 232 or section 234, he shall forthwith forward to the Local Government, a copy thereof, with a statement of the reasons for making it, and with such explanation, if any, as the committee may wish to offer; and the Commissioner makes any

<sup>1.</sup> Inserted by Sec. 90 of the Punjab Act III of 1933.

sioner or the Local Government, as the case may be, may thereupon confirm, modify or rescind the order.

- 236. (4) The Local Government, and the Commissioners and Deputy Commissioners acting under the orders of the Local Government and its officers over committee. Government, shall be bound to require that the proceedings of committees shall be in confirmity with law and with the rules in force under any enactment for the time being applicable to the Punjab generally or the areas over which the committees have authority.
- (2) The Local Government may exercise all powers necessary for the performance of this duty and may among other things, by order in writing, annul or modify any proceeding which it may consider not to be in conformity with law or with such rule as aforesaid, <sup>1</sup>[or for the reasons which would in its opinion justify on an order by the Commissioner or Deputy Commissioner under section 232.]
- (3) The Commissioner of the division and the Deputy Commissioner may, within their jurisdiction for the same purpose, exercise such powers as may be confered upon them by rule made in this behalf by the Local Government.

#### Old

Notwithstanding anything in this Act, the Local Government shall have and exercise over Commissioners and Deputy Commissioners, and Commissioner shall have and exercise over Deputy Commissioners, in all matters connected with this Act the same authority and control as they, respectively, have and exercise over them in the general and revenue administration.

#### New

<sup>2</sup>237. Notwithstanding anything in this General Act, the Local powers of Local Government shall Government have the power of over a Com. missioner. reversing or modifying any order of any officer of the Local Government passed or purporting to have been passed under this Act, if it considers it to be not in accordance with the Act or the rules or to be for any reason inexpedient, and generally for carrying out the purposes of this Act the

Added by Sec. 91 of the Punjab Act III of 1933.
 Substituted by Sec. 92 of Punjab Act III of 1933.

Lccal Government shall exercise over its officers and the Commissioner shall exercise over the Deputy Commissioner all powers of superintendence, direction and control.

238. (1) Should a committee be incompetent to

Power of Local Government to supersede committee in case of incompetency, persistent default or abuse of powers.

perform, or persistently make default in the performance of the duties imposed on it by or under this or any other Act, or exceed or abuse its powers, the Local Government may. by notification, in which the reasons for so doing shall be

stated, declare the committee to be superseded.

When a committee is so superseded, the following consequences shall ensue:-

- (a) all members of the committee shall, from the date of the notification, vacate their seats;
- (b) all powers and duties of the committee may, until the committee is reconstituted, be exercised and performed by such person as the Local Government may appoint in that behalf;
- (c) all property vested in the committee shall, until the committee is reconstituted, vest in His Majesty.
- (3) The Local Government may, if it shall think fit, at any time constitute another committee in the place of any committee superseded under this section.
- 239. (1) If any dispute, for the decision of which this Act does not otherwise provide, Dispute. arises between two or more committees constituted under this Act, or between any such committee and a district board or cantonment authority; the matter shall be referred—
  - (a) to the Deputy Commissioner if the local authorities concerned are in the same district;
  - (b) to the Commissioner or Commissioners of the

division or divisions if the local authorities concerned are in different districts; and

- (c) to the Local Government if the local authorities concerned are in different divisions and the Commissioners of those divisions cannot agree.
- (2) The decision of the authority to which any dispute is referred under this section shall be final.
- (3) If, in the case mentioned in clause (a), the Deputy Commissioner is a member of one of the committees or boards concerned, his functions under the section shall be discharged by the Commissioner.
- 240. (1) The Local Government may frame forms

  Power of Local Government to frame for any proceedings of a committee and may make any rules consistent with this Act to carry out the purposes thereof and in particular and without prejudice to the generality of the foregoing power may make rules—
  - (a) with respect to the powers and duties of committees in municipalities of the first and of the second class respectively;
  - (b) as to the division of municipalities into wards, or of the inhabitants into classes or both;
  - (c) as to the number of representatives proper for each ward or class;
  - (d) as to the qualifications of electors and of candidates for election;
  - (e) as to the registration of electors;
  - (f) as to the nomination of candidates, the time of election and the mode of recording votes;

Old

New

(g) generally for regulating (g) regulating the procedure all elections under this Act.

(g) regulating the procedure for election under this Act, the contribution to-

<sup>1.</sup> Substituted by Sec. 93 (i) of Punjab Act III of 1933,

wards election expenses by candidates, the deposit of security by candidates and the conditions of forfeiture of such deposits.

- (h) fixing the term of office of members of committees;
- (i) prescribing the qulifications requisite in the case of persons appointed by a committee to offices requiring professional skill;
- (j) as to the priority to be given to the several duties of the committee;
- (k) as to the authority on which money may be paid from the municipal fund, and as the management and regulation of provident funds established under section 43;
- (l) as to the appointment, promotion suspension, reduction, fining and dismissal of municipal watchmen;
- (m) as to the formation and working of municipal fire-brigades;
- <sup>1</sup>(n) as to the procedure to be observed for the employment, punishment, suspension or removal of officers and servants of the committee and as to appeal from orders of punishment or removal;
- (o) as to the conditions on which property may be acquired by the committee or on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise;
- (p) as to the intermediate office or offices, if any, through which correspondence between committees or members of committees and the Local Government or officers of that Government shall pass;

<sup>1.</sup> Substituted by Sec. 67 of Punjab Act II of 1923.

New

- (q) as the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the persons by whom, and the conditions subject to which, such plans and estimates are to be sanctioned;
- (q) for the preparation of plans and estimates for works partly or wholly to be contructed at the expense of committees, and for the preparation and periodical revision of maps and registers made under sub-section (3) of section 56 and for the authorities by which and the conditions subject to which such plans. estimates, maps and registers are to be prepared and sanctioned;
- $^{2}(qq)$  for the regulation of contracts with electric supply companies for the supply of electrical energy;
- (r) for the assessment and collection of, and for the compounding for, refunding or limiting refunds or taxes imposed under this Act, and for preventing evasion of the same; and for fixing the fees payable for notices of demands;
- (s) as to the conditions on which a municipal committee may recive 3 animals or articles into a bonded warehouse and as to the agreements to be signed by traders or others wishing to deposit <sup>3</sup>animals or articles therein:
- (t) as to the accounts to be kept by committees, as to the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this Act, as to the manner in which such accounts are to be audited and published, and as to the power of auditors in respect of disallowance and surcharge;

Substituted by Sec 93 (ii) of Punjab Act III of 1933. Inserted for the Yunjab by Sec. 9 of Punjab Act XV (f 1926. Substituted for the word "goods" by Sec. 67 of Punjab Act II of 1923.

- (u) as to the preparation of estimates of income and expenditure of committees, and as to the persons by whom, and the conditions subject to which, such estimates may be sanctioned;
- (v) as to the returns, statements and reports to be submitted by committees:
- (w) as to the powers to be exercised by Commission. ers and Deputy Commissioners under section 236 and the powers to be exercised by such Local Self-Government Board or Inspectorate as the Local Government may establish;
- (x) as to the language in which business shall be transacted, proceedings recorded and notices issued:
- (y) as to the publication of notices:
- (z) to regulate the proceedings of persons empowered to accept composition under section 229 for alleged offences; and
- (zz) generally for the guidance of committees and public officers in carrying out the purposes of this Act.
- <sup>2</sup>(zzz) for the same purposes as those for which a committee may make bye-laws under the provisions of sections 31, 188, 189, 190 or 197.
- <sup>3</sup>(2) Rules under clause (g) of sub-section (1) may among other matters provide—
  - (i) for the definition of the practices at elections held under the provisions of this Act which are to be deemed to be corrupt;
  - (ii) for the investigations of corrupt practices;
  - (iii) for making void the election of any person proved to the satisfaction of the Local Government in the case of a municipality of the first

Added by Sec. 16 of Punjab Act I of 1934.
 Added by Sec. 93 (iii) of the Punjab Act III of 1933.
 Substituted by Punjab Act I of 1925.

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class or of the Commissioner in the case of a municipality of the second class, to have been guilty of a corrupt practice or to have connived at or abetted the commission of a corrupt practice or whose agent has been so proved guilty, or the result of whose election has been materially affected by the breach of any law or rule for the time being in force;

- (iv) for rendering incapable of municipal office either permanently or for a term of years any person who may have been proved guilty as aforesaid of a corrupt practice or of conniving at or abetting the same;
- (v) for prescribing the authority by which questions relating to the matters referred to in clause (d), (e) and (f) of sub-section (1) shall be determined; and
- (vi) for authorizing courts to take cognizance of the breach of any such rules on the complaint of the Deputy Commissioner or some person authorized in writing by the Deputy Commissioner.
- (3) The Municipal Account Code at present in operation in the municipalities of the province shall be deemed to have been made in pursuance of the powers conferred upon Government by sub-section (1) of this section.
- (4) In making rules under clause (d) to (g), both inclusive, and <sup>1</sup>clauses (m) and (r) of sub-section (1), the Local Government may direct that a breach of any provision hereof shall be punished with fine which may extend to <sup>1</sup>[five hundred] rupees.
- (5) All rules made under this Act shall be subject to previous publication.
- (6) A rule under this section may be general for all municipalities or for all municipalities not expressly excepted from its operation or may be special for the whole or any part of any one or more municipalities as the Local Government directs.

<sup>1.</sup> Substituted for the words "clause (v)" & "fifty" by Sec. (ii) of Punjab Act

'(7) Notwithstanding anything hereinbefore contained the Local Government shall not make rules under clause (zzz) of sub-section (1) for a municipality unless the committee has been required by the Local Government to make bye-laws under section 31, section 188, section 189, section 190 or section 197 and has failed to make any such bye-laws, or having made them has failed to obtain their confirmation by the Local Government as required by sub-section (1) of section 201 within nine months of the date of the order of the Local Government requiring them to be made, and any rules made by the Local Government under clause (zzz) of sub-section (1) shall have effect as if they were, and shall be deemed for all purposes to be, bye-laws made by the committee.

### NOTES.

Following committees have been declared to be first class:-

Amritsar, Delhi, Dalhousie, Dharmsala, Lahore, Multan, Sialkote and Simla.

Local Government has made rules declaring qualifications for voters and persons seeking election.

Note.—For rules made by the Local Government under this section or the corresponding section of previous Municipal Acts—vide Part II.

### Old

240-A. The Local Government may invest any person or persons authorized by it to hold an inquiry into the conduct of an election or into allegations of corrupt practices or intimidation at an election with all or any of the powers conferred upon Commissioners appointed to hold an inquiry into an election by the provisions of part II of the Indian Election Offences and Inquiries Act, 1920, and may prescribe

### New

**240-A**. Omitted by section 94 of Punjab Act III of 1933.

<sup>1.</sup> Added by Sec. 93 (2) of Punjab Act III of 1933.

the procedure to be followed, and provide for the execution of any order as to costs passed by such person or persons in such inquiry.

### CHAPTER XIII.

### SMALL TOWNS.

- 241. (1) The Local Government may, by notifica
  Constitution of notified areas. tion, declare that with respect to some or all of the matters upon which a municipal fund may be extended under section 52, improved arrangements are required within specified area, which, nevertheless, it is not expedient to constitute as a municipality.
- (2) An area in regard to which a notification has been issued under sub-section (1) is hereinafter called a notified area.
- (3) No area shall be made a notified area if it contains more than ten thousand inhabitants according to the returns of the most recent official census, or unless it contains a town or bazar and is not a purely agricultural village.

Power of Local Government to impose taxation and regulate expenditure of proceeds thereof.

242. (1) Local Government may—

(a) impose in any notified area without the previous sanction of the Governor-General in Council any tax which could be imposed there by the committee under the provisions of section 61 whether with or without any such sanction if the notified area were a municipality:

Provided that any tax imposed on buildings and land shall not be subject to the maximum limits prescribed by [sub-clause (a) of clause (1) of section 61]:

<sup>1.</sup> Substituted for the figures, letters and brackets "61 B (a)" by section 68 of Punjab Act II of 1923.

Provided also that a tax payable by the owner may be made payable by the occupier:—

- (b) apply or adapt to the notified area for the assessment and recovery of any tax imposed under clause (a) any of the provisions of this Act, or of any rules for the time being in force with respect to the assessment and recovery of any tax imposed under this Act;
- (c) arrange for the due expenditure of the proceeds of taxes imposed under clause (a) and for the preparation and maintenance of proper accounts;
- (d) appoint a committee of one or more persons for the purposes of clauses (b) and (c);
- (e) appoint a president of such committee, and fix the term of office or member or president of the committee;
- (f) extend to any notified area the provisions of any section of this Act subject to such restrictions and modifications, if any, as the Local Government may think fit.
- (2) The proceeds of any tax levied in any notified area under this section shall be expended only in some manner in which the municipal fund of such notified area might be expended if the notified area were a municipality.
- Application of the nay be extended to a notified area the committee appointed for such to be a municipal committee under this Act and the area to be a municipality.
- 244. The Local Government may, at any time, cancel or modify any notification under section 241 or any order under section 242.
- Application of funds of areas ceasing notified.

  Save as provided in sub-section 7 (a) of section 4 of this Act when by reason of any order of cancellation under the last foregoing section any notified area ceases to be notified, the unexpended proceeds of

any taxes levied therein under section 242 shall be applied as the Local Government may think fit.

### CHAPTER XIV.

# MUNICIPAL ELECTION INQUIRIES.

- 246. In this chapter unless there is anything Definitions. repugnant in the subject or context—
  - (a) "Commission" means a person or persons appointed by the Local Government to hold an inquiry in respect of an election under this Act.
  - (b) "Costs" means all costs, charges and expenses of, or incidental to, an inquiry.
  - (c) "Election" means any election held under the provisions of this Act or of any rules made thereunder.
  - (d) "Inquiry" means an inquiry in respect of an election by the Commission.
  - (e) "Pleader" means any person entitled to appear and plead for another in a Civil Court, and includes an advocate, a vakil, and attorney of a High Court.
- 247. The Local Government may appoint a Com-Appointment of Commission by the Local Government may appoint a Commission by the Local Government may appoint a Commission consisting of one or more persons to hold an inquiry.
- 248. In respect of the following matters a ComPowers of Commission. mission shall have the powers which are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit:—
  - (a) discovery and inspection,
  - (b) enforcing the attendance of witnesses, and requiring the deposit of their expenses,
  - (c) Compelling the production of documents,
  - 1. This chapter has been added by Sec. 95 of Punjab Act III of 1933.

- (d) examining witnesses on oath,
- (e) granting adjournments,
- (f) reception of evidence taken on affidavit, and
- (g) issuing commissions for the examination of witnesses:

and may summon and examine *suo motu* any person whose evidence appears to be material; and shall be deemed to be a Civil Court within the meaning of Sections 480 and 482 of the Code of Criminal Procedure, 1898.

- 249. The provisions of the Indian Evidence Act, Application of the Indian Evidence Act, 1872. this chapter, be deemed to apply in all respects to an inquiry.
- 250. Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence on the ground that it is not duly stamped or registered.
- Witness not excused from answering on answering on ground that answer will incriminate.

  Witness not excused ing any question relating to any matter relevant to a matter in issue in an inquiry upon the ground that the answer to such question will incriminate or may tend, directly or indirectly, to incriminate him, or that it will expose or tend, directly or indirectly, to expose him to a penalty or forfeiture of any kind:

# Provided that-

- (i) no person who has voted at an election shall be required to state for whom he has voted; and
- (ii) a witness who, in the opinion of the Commission, has answered truly all questions which he has been required by the said Commission to answer shall be entitled to receive a certificate of indemnity and such certificate may be pleaded by such person in any Court and shall be deemed to be a full and complete defence to or upon any charge under Chapter IX-A of the Indian Penal Code arising out of the matter to which such certificate relates, nor shall any such answer be

THE PUNJAB MUNICIPAL ACT, 1911 [Ss. 252-255] admissible in evidence against him in any suit or other proceeding.

- (2) Nothing in sub-section (1) shall be deemed to relieve a person receiving a certificate of indemnity from any disqualification in connection with an election imposed by any law or any rule having the force of law.
- Appearance, application or act before the Commission may be made or done by the party in person or by a pleader duly appointed to act on bis behalf:

Provided that any such appearance shall, if the Commission so directs, be made by the party in person.

- Expenses incurred in attending to give evidence may be allowed by the Commission to such person, and shall, unless the Commission otherwise directs, be deemed to be part of the costs.
- Report of Commission. mission shall submit a report of its findings to the Lecal Government, if the inquiry concerns an election held in a municipality of the first class, and to the Commissioner in any other case, and such report shall include the opinion of the Commission on the amount of costs, including counsel's fees as the Commission may deem fit to be paid, and the persons by whom and to whom such costs shall be paid.
- **255**. On receiving the report of the Commission, the Local Government in the case of an Commissioner or Local Government if in agreeelection held in a municipality of the ment with finding of the first class, and the Commissioner in any Commission to p orders accordingly. pass other case, shall pass orders either declaring the candidate duly elected or declaring the election to be void, and such orders shall be notified in the Gazette. Such orders shall be final and shall specify the amount of costs to be paid, and the person or persons by whom and to whom such cost shall be paid:

Provided that the Commissioner or Local Government before passing final orders may remand any case for further inquiry or refer any point arising in any case to a Civil Court for opinion; and the Civil Court shall deal with

any case forwarded to it as nearly as may be according to the procedure applicable under the Code of Civil Procedure 1908, to the hearing of appeals.

- 256. A certified copy of any order passed by the Local Government or by the Commissioner under section 255 regarding the costs of the inquiry may be produced before the principal Civil Court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a pace of residence or business, and such Court shall execute such order or cause it to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.
- 257. (1) Every officer, clerk, agent or other person who performs any duties in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.
- (2) Any person who wilfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding three months, or with fine, or with both.
- 258. The Local Government may make rules consistent with this Act, to carry out the purposes of this chapter, and all such rules shall be subject to previous publication.

# THE PUNJAB MUNICIPAL ACT, 1911 SCHEDULE.

( VIDE SECTION 2 (1), )

Enactments repealed.

1	2	3	4	
Year.	No	Subject or short title.	Extent of repeal.	
		Acts of the Governor-General in Council.		
1891	XX	The Punjab Municipal Act	The whole Act.	
1896	XVIII	The Punjab Municipal Amendment Act.	The whole Act.	
		Acts of the Lieutenant Governor of the Punjab.		
1900	Ш	The Punjab Municipal Act Amendment Act.	The whole Act.	
1905	I	Act to amend certain section of the Punjab District Boards Act, 1883, and the Punjab Munici- pal Act of 1891.	Sections 3 and 4.	

# THE PUNJAB MUNICIPAL (EXECUTIVE OFFICERS') ACT.

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- 3. Appointment and pay of the Executive Officer
- 4. Powers of the Executive Officer
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- 7. Delegation of power by the Executive Officer
- 8. Preparation of budget
- 9. Attendance at meetings
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- 11. Power of Local Government to make rules

Schedule I

Schedule II

# THE PUNJAB MUNICIPAL (EXECUTIVE OFFICERS') ACT, 1931.

### PUNJAB ACT No. II of 1931.

Received the assent of His Excellency the Governor on the 2nd July, 1931. and that of His Excellency the Viceroy and Governor-General on the 2nd September, 1931, and was first published in the Punjab Gazette Extraordinary, of the 18th September, 1931.

An Act to provide for the appointment and Powers of Executive Officers in Municipalities in the Punjab for that purpose to amend the Punjab Municipal Act, 1911.

Whereas it is expendient to provide for the appointment and powers of Executive Officers in municipalities in the Punjab and to amend the Punjab Municipal Act 1911, for the purpose, it is hereby enacted as follows:—

- Short title, exent and Commencement.

  1. (1) This Act may be called the Punjab Municipal (Executive Officers) Act, 1931.
- (2) It may by notification be extended by the Local Government to any municipality in the Punjab.
- (3) It shall come into force on such date as the Local Government may, by notification, appoint in this behalf.
  - Definitions. 2. In this Act unless there is something repugnant in the subject or the context—
    - (a) " contract " includes a transfer of property;
    - (b) "the committee" means the municipal committee to which the Act has been, by notification, extended;
    - (c) "the Municipal Act" means the Punjab Municipal Act, 1911.
- 3. (1) Notwithstanding anything to the contrary contained in sections 26 and 27 of the Municipal Act, the committee shall, by resolution to be passed by not less than five-eighths of the total number of members constituting the committee for the time being, at the meeting convened for the purpose of appointing an Executive Officer, at which no other business may be transacted, appoint, within three

months from the date of the notification issued under sub-section (2) of section 1, a person, with the approval of the Local Government, as Executive Officer, for a renewable period of five years on such rate of pay not exceeding one-thousand and five hundred rupees inclusive of all allowances, as it may deem fit;

Provided that if the appointment is renewed the maximum salary, inclusive of allowances, shall not exceed Rs. 2,000.

(2) If at the meeting convened for the purpose of appointing an Executive Officer, a resolution of appointment cannot be passed through failure of any candidate to secure the prescribed five-eighths majority, the chairman shall, on requisition made in writing by not less than one-third of the total number of members constituting the committee for the time being, convene another meeting to be held within fourteen days:

Provided always that such meeting shall be held within three months from the date of the notification issued under sub-section (2) of section 1.

- (3) The resolution of appointment of an Executive Officer, whether considered at an adjourned meeting convened under subsection (2) shall not be deemed to be passed unless by the majority prescribed in sub-section (1).
- (4) If the committee fails to appoint an Executive Officer within three months from the date of notification issued under subsection (2) of section 1, the Local Government may appoint any person as Executive Officer of the committee for a renewable period not exceeding five years on such rate of monthly pay not exceeding Rs. 1,500 inclusive of all allowances as it may deem fit:

Provided that if the appointment is renewed the maximum salary inclusive of all allowances shall not exceed Rs. 2,000.

- (5) When a member of the committee is appointed Executive Officer, he shall on his appointment cease to be a member of the committee.
- (6) The remuneration of each Executive Officer shall be payable by the committee from the municipal fund.
- (7) The Executive Officer may, at any time, be suspended or removed from office by the Local Government and shall be so suspended or removed if at a meeting of the committee convened to consider the question of his suspension or removal, not less than five-eighths of the total number of members constituting the committee for the time being vote in favour of his suspension or removal, and if the Executive Officer is suspended the committee shall appoint some person with the approval of the Local Government to officiate as Executive Officer.

(8) Leave may be general to the Executive Officer, by the committee, and, whenever such leave is granted for a period exceeding one month, the committee shall appoint some person, with the approval of Local Government to officiate as Executive Officer:

Provided that if the period of leave does not exceed one month the President or in his absence the Vice-President shall without remuneration exercise the powers of Executive Officer for the period of such leave.

(9) Whenever an Executive Officer dies, resigns, or is removed the committee shall, within three months of his death, resignation or removal, appoint another person to be Executive Officer in the manner provided in sub-sections (1) to (3), and if the committee fails to appoint such a person within such period the Local Government may appoint such a person in the manner provided in sub-section (4):

Provided that the President or in his absence the Vice-President shall without remuneration, exercise the powers of Executive Officer until another Executive Officer is appointed.

Power of the Executive Officer.

4. In a municipality in which an Executive Officer has been appointed—

- (a) that executive power for the purpose of carrying on the administration of the municipality shall, subject to the provisions of this Act and of any rules made under this Act or under the Municipal Act, vest in the Executive Officer;
- (b) the powers conferred and duties imposed upon, the functions vested in, and the objections to be tendered and notice given to the committee under the sections of the Municipal Act mentioned in schedule 2, shall not be exercised or performed by, vested in, or be tendered or given to, the committee, but may be exercised or shall be performed by, or shall vest in or shall be tendered or given to the Executive Officer, provided that—
  - (i) the power conferred by section 39 of the Municipal Act shall not be exercised by the Executive Officer and may be exercised by the committee in respect of the appointment of any officer or servant of the committee to a post for which the monthly remuneration exceeds Rs. 45 in the case of the Municipality of Lahore and Rs. 25 in the case of other municipalities, and in respect of the power of removal or dismissal of any officer or servant whose monthly remuneration exceeds Rs. 45 provided that the Executive Officer shall dismiss an employee if required by the committee to do so;
  - (ii) the power to revise the valuation and assessment conferred by section 65 of the Municipal Act and the power

to amend the assessment list conferred by sub-section (1) of section 67 of the Municipal Act shall be exercised by a sub-committee consisting of the Executive Officer and two members of the committee appointed by the committee for the purpose;

- (iii) the power of the Executive Officer to withhold the grant of a license for any of the trades or purposes specified in sections 121, 122 of the Municipal Act or to withhold written permission under section 124 of the Municipal Act may by bye-law be made subject to revision by the committee.
- (iv) the exercise or discharge by the Executive Officer of any power, duty or function thus conferred, imposed or vested in him, shall be subject to such restrictions, limitations and conditions as may be imposed by any rules made by the Local Government under the Municipal Act upon the exercise or discharge of such power, duty or function by the committee;
- (c) the Municipal Act shall be deemed to have been amended in the manner set forth in schedule II;
- (d) no bye-laws inconsistent with this Act shall by the committee in exercise of the powers conferred by section 31 of the Municipal Act and, if any such bye-laws have been made they shall be deemed to have been called to the extent to which they are thus inconsistent;
- (e) if in any bye-law made by the committee in exercise of the powers conferred by sections 188, 189, 197 or 198 or in any rule made in exercise of the powers conferred by section 3 of the Hackney Carriage Act, 1879, it is provided that notice shall be given to, or licences granted by the committee, such bye-law or rule shall be deemed to have been amended so as to provide that subject to bye-laws made under the Municipal Act or rules made under this Act such notice shall be given to, or such license granted by, the Executive Officer.
- Executive Officer may exercise all or any of the Executive Officer to have powers of Secretary.

  Act.

  Description

  Descri
- 6. (1) Every contract to be entered into by the committee shall be made on behalf of the committee by the Executive Officer:

Provided that the Executive Officer shall be bound by any

resolution of the committee fixing terms, rates or maximum prices in the particular case or any class of cases.

- (2) No contract affecting immovable property or involving a sum exceeding such sum as the committee may fix shall be made by the Executive Officer unless it has been sanctioned by the committee.
- (3) Every contract made by the Executive Officer shall be reported to the committee within fifteen days of its being made.
- (4) Every contract made by the Executive Officer on behalf of the committee shall be entered into in such manner and form as would bind him if it were made on his own behalf and may in like manner and form be varied or discharged:

Provided that every contract involving a sum exceeding one hundred rupees or affecting immovable property shall be in writing and shall be sealed with the common seal of the committee.

- (5) The common seal of the committee shall remain in the custody of the Executive Officer and shall not be affixed to any contract or other instrument except in the presence of the Executive Officer who will sign the contract in token that the same was sealed in his presence.
- (6) No contract executed otherwise that as provided in this section shall be binding on the committee:

Provided that, when work is given on contract at unit rates and the number of units is not precisely determinable, the contract shall not be deemed to contravene the provisions of this section merely by reason of the fact that the pecuniary limits prescribed in sub-section (2) or sub-section (4) are eventually exceeded.

- 7. \(^1\) The Committee may delegate the powers conferred Delegation of power by the Executive Officers.

  Under the powers conferred and the powers conferred by the Executive Act, 1911, to the Civil Surgeon of the district or to an officer of the Department of Public Instruction.
- (2) The Executive Officer may, with the previous sanction of the committee and shall, if so required by the committee, delegate to any other officer or servant of the committee all or any of the powers, duties or functions conferred or imposed upon or vested in him by sections 4, 5 or 6, except the powers, duties or functions conferred or imposed upon or vested in the committee by sections 63, 64, 65, 66, 67, 68, 72, 73, 74, 75, 76, 77, 80, 81, 82, 189, 193, 195, 195-A or 229 of the Municipal Act, or to the Civil Surgeon of the district or to

<sup>(1)</sup> Added by Sec. 2 of Punjab Act II of 1934.
(2) Sec. 7 renumbered as sub-sec. (2) and added at the end by Sec. (ii) of Pb. Act II of 1934.

an officer of the Department of the Public Instruction the powers under section 39 of the Punjab Municipal Act, 1911, conferred upon him by section 4."

### Provided that-

- (a) such delegation shall be in writing and shall specify the name or official designation of the person to whom the delegation is made;
- (b) the Executive Officer shall not <sup>1</sup>except to the Civil Surgeon of the district or to an officer of the Department of Public Instruction, delegate his power to make appointments to offices carrying a remuneration of more than fifteen rupees per mensem or to remove or dismiss any employee holding an office carrying such remuneration;
- (c) the Executive Officer shall not delegate his power to make contracts involving an expenditure exceeding one hundred rupees or to acquire, sell or lease immovable property or to dispose of movable property of a value exceeding fifty rupees; and
- (d) the exercise or discharge by an officer or servant of any power, duty or function delegated to him shall be subject to such restrictions, limitations and conditions, if any, as may be laid down by the Executive Officer, and shall also be subject to his control and revision, but the delegation shall not divest the Executive Officer of such powers, duties or functions.
- 8. Notwithstanding anything contained in the Municipal Preparation of Budget.

  Account Code, the Executive Officer shall be responsible for the preparation and submission to the committee of the annual estimate of income and expenditure, and, if it is in his opinion necessary or expendient to vary taxation or to raise loans, shall submit his proposals in regard thereto.
- Attendance at meetings of the committee except a meeting convened for the purpose of considering the question of his suspension or removal and of any sub-committee and to take part in discussions, but shall not have the right to move any resolution or to vote.
- (2) He shall attend any meeting of the committee or of a sub-committee if required to do so by the President.

<sup>1.</sup> Added by Sec. 2 (iii) of Pb. Act II of 1934.

- Control by Government.

  Commissioner, shall have in respect of the Executive Officer all the powers of control, inspection, requisition, suspension and all other powers whatsoever that are conferred upon them respectively in respect of the committee by chapter XII of the Municipal Act.
- 11. The Local Government may, after previous publication,

  Power of Local make rules consistent with this Act and with
  Government to make the Municipal Act to carry out the purpose of
  rules. this Act:

Provided that, before making any rules under the provisions of this section, the Local Government shall, in Punjab Act I of 1898. addition to observing the procedure laid down in section 21 of the Punjab General Clauses Act, 1898, publish by notification a draft of the proposed rules for the information of persons likely to be affected thereby, at least thirty days before a meeting of the Punjab Legislative Council. 1[The Local Government, in order to give members of the Council an opportunity for moving a motion for discussing the draft, shall defer final publication of the rules until after the expiry of the date fixed for consideration of a motion for such discussion, provided that notice of such motion has been given before the first meeting of the Council held after the expiry of thirty days from the publication of the draft. The Local Government shall defer consideration of such rules until after the meeting of the Punjab Legislative Council next following the publication of the draft in order to give any member of the Council an opportunity to introduce a motion for discussing the draft.

# SCHEDULE I.

[ Vide CLAUSE (b) OF SECTION 4].

Sections of the Municipal Act, 1911.

Sections 39, 63, 64, 65, 66, 67, 73, 74, 75, 76, 77, 80, 81, 82, sub section (3) of section 96, sub-section (1) of the section 97, sections 99, 100, 101, 102, 105, 109, 115, 115-A, 116, 117, 118, 119, sub-sections (1) and (2) of section 121, section 122, 124, 125, 126, 127, 128, 129, 130, 131, 134, 135, sub-section (1) of section 140, sections 142, 143, clauses (b) and (c) of section 145, sections 149, 154, 156, 166, clause (c) of sections 169, 170, 170-A, sub-section (2) of sections 173, 176, 177, 182, sub-sections (1), (2) and (4) of section 189, sections 191, 195-A, 197-A, 220 and sub-section (3) of section 223.

<sup>1.</sup> Added by sec. 3 of Punjab Act II of 1934.

### SCHEDULE II.

[ Vide clause (c) of section 4.]

The Punjab Municipal Act, 1911, shall be deemed to be amended as follows, namely:-

- 1. Sections 33, 46 and 47 shall be deemed to be omitted.
- 2. In section 3 the following new clause shall be deemed to be inserted after clause (5), namely:-
- "(5a)" Executive Officer" means an Executive Officer appointed under the provisions of the Punjab Municipal (Executive Officer) Act, 1931."
- "3. In section 35, in sub-section (1), the words 'or the Executive Officer' shall be added after the word 'president' where it first occurs; and in sub-section (2) the words 'or the Executive Officer' shall be added after the word 'vice-president'; and in sub-section (3) between the words 'the president or,' and the words 'or during,' the words 'in his absence' shall be omitted and the words 'the Executive Officer or in the absence of the president' shall be added."
  - (4) Omitted by section 5 of Punjab Act II of 1934.
- (5) In sub-section (1) of section 66 the words "Executive Officer" shall be deemed to be substituted for the words "signature of not less than two members of the committee."
- 6. After sub-section (5) of section (72) the following new subsection shall be deemed to be added:-
- "(6) The enquiry necessary for a decision whether any reliee shall be granted under this section shall be held by the Executivf Officer who shall make such recommendation to the committee as he may deem proper:

Provided that the committee shall not grant any remission of tax unless such remission is recommended by the Executive Officer."

- 7. In sub-section (2) of section 77 the words "the Executive Officer" shall be deemed to be substituted for the words "a member of the committee or the Secretary."
- 8. In sub-section (2) of section 81 the words "Executive Officer" shall be deemed to be substituted for the words "Presiden and Vich-President or the Secretary."
- 9. In the proviso to section 82 the words "Executive Officer" shall be deemed to be substituted for the words "President or Vice-President."

Substituted by section 4 of Γunjab Act II of 1934.
 Section 4 omitted by section 5 of Punjab Act II of 1934.

10. In section 113 for the words "by notice" the words "order the Executive Officer by notice to" shall be deemed to be substituted and for the words "it to be necessary in order to prevent imminent danger, it shall forthwith take such steps to avert the danger as may be necessary" the following words shall be deemed to be substituted, namely:—

"The Executive Officer that the danger to such persons from any such building, well, tank, reservoir, pool, depression or excavation is imminent, he shall forthwith take such steps to avert such danger as may appear to him to be necessary and as may be approved by the President:

Provided that any action taken by the Executive Officer under this section shall be reported to the committee at the next following meeting."

11. In section 114 for the words "by notice" the words "order the Executive Officer by notice to" shall be deemed to be substituted and for the words "be necessary in order to prevent imminent danger the committee shall forthwith take such steps, at the expense of the owner, to avert the danger as may be necessary" the following words shall be deemed to be substituted, namely:—

"the Executive Officer that the danger from any such building, wall, structure, thing, bank or tree is imminent he shall forthwith take such steps, at the expense of the owner, to avert the danger as may appear to him to be necessary and as may be approved by the President:

Provided that any action taken by the Executive Officer under this section shall be reported to the committee at its next following meeting."

12. In sub-sections (1), (2) and (4) of section 190 for the word "committee" the words "Executive Officer" shall be deemed to be substituted, and the following words and figures shall be deemed to be added at the end of sub-section (1), namely:—

"Provided that the Executive Officer shall not, without the approval of the committee, sanction the erection or re-erection of any building which involves any projection or encroachment over or upon any land, vested in the committee or any land, the property of Government, which has been transferred to the committee for management:

Provided further that if the Executive Officer refuses to sanction the erection or referection by any person of any building except on the ground that such erection or referection would be in contravention of any bye-law or of any general scheme sanctioned by the Commissioner restricting the erection or referection of buildings or any class of buildings, such person may, within fifteen days from the

date of the service of the Executive Officer's order refusing to sanction such erection or re-erection, appeal to the committee, and the committee's decision shall, subject to the provisions of sections 22, 232 and 236, be final."

1"13 (a) In section 193 the words 'or the Executive Officer, as the case may be' shall be inserted in the following places, namely:-

- in sub section (1) between the words 'the committee' and the word 'shall';
- (ii) in sub-section (2) between the words 'the committee' where they first occur and the words 'may refuse';
- (iii) in sub-section (3) between the word 'committee' and the word 'may,' where it first occurs;
- (iv) in sub-section (4) between the words 'the committee' where they first occur and the words 'neglects or omits';
- (b) In the same section the words 'or he, as the case may be,' shall be inserted in the following places namely:
  - in sub-section (2) between the word 'it' where it first occurs and the word 'deems';
  - in sub section (3) between the word 'it' and the word may' where it last occurs."
- <sup>2</sup>14. In section 194 the words or the Executive Officer, as the case may be' shall be inserted after the word 'committee' wherever it occurs.
- <sup>3</sup>15. In section 195 for the word "committee" wherever it occurs, except in the first proviso, the words "Executive Officer" shall be deemed to be substituted, and the following proviso shall be deemed to be added at the end, namely:
- "Provided further that if any notice is issued by the Executive Officer under this section on the ground that a building has been begun or has been erected in contravention of the terms of any sanction granted or in contravention of any bye-law made under section

Substituted by section 6 of Punjab Act II of 1934.
 Substituted by section 7 of Punjab Act II of 1934.
 Substituted by section 8 of Punjab Act II of 1934.

190 the person to whom the notice issued may, within fifteen days from the date of service of such notice, appeal to the committee and, subject to the provisions of sections 225, 232 and 236, the decision of the committee shall be final."

- 16. In the following sub-section and sections the words "or Executive Officer" shall be deemed to be inserted after the words "the committee"—
  - "(a) Sub-section (1) of section 203, sub-section (1) of section 204, section 205, section 206, sub-section (1) of section 207, section 208, sub-section (1) of section 210, sub-section (1), section 211, section 212."
  - (b) in section 208 as amended between the words "it" and "in" the words 'or him' shall be deemed to be inserted."
- 17. For sub-section (1) of section 215 the following sub-section shall be deemed to be substituted:—
- "215. (1) Every notice issued under this Act or under any rule or bye-law, by a committee or by its Executive Officer or by the person authorised by the committee or by the Executive Officer shall be in writing signed by the Executive Officer or by any person authorised in this behalf, and every such notice and every order made under section 193 may be served on the person to whom it is addressed or delivered or left at his usual place of abode or business with some adult male member or servant of his family or if it cannot be so served may be affixed to some conspicuous part of his place of abode or business.

The proviso to this sub-section shall be deemed to be omitted.

- 18. (1) In clause (b) of sub-section (1) of section 205 between the word "or" and the word "under" the words "by a notice from the Executive Officer" shall be deemed to be inserted.
- (2) In clause (c) of sub-section (1) of section 225 between the word "committee" and the word "under" the words "or an Executive Officer" shall be deemed to be inserted, and for the word "it" shall be deemed to be substituted the word "them."
- 19. (1) In section 228 between the words "committee" and "or some person" the words "or its Executive Officer" shall be deemed to be inserted; and between the words "committee" and "in this behalf" the words "or by the Executive Officer" shall be deemed to be inserted.

- (2) In the explanation to section 228 at the commencement between the words "committee" and "may authorize" the words "or its Executive Officer" shall be deemed to be inserted.
- 20. In sub-section (1) of section 229 between the words "Vice-President" and "Medical Officer of Health" words "Executive Officer" shall be deemed to be inserted.



# PART II

Rules made by the Local Government under section 240 of the Punjab Municipal Act, 1911, or the corresponding sections of previous Municipal Acts, having the force of law and applicable to all Municipalities.

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# PART II.

Rules made by the Local Government under section 240 of the Punjab Municipal Act, 1911, or the corresponding sections of previous Municipal Acts, having the force of law and applicable to all Municipalities.

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### PART II.

Rules made by the Local Government under section 240 of the Punjab Municipal Act, 1911, or the corresponding sections of previous Municipal Acts, having the force of law and applicable to all Municipalities.

# THE MUNICIPAL ELECTION RULES, 1930.

### PART I.

Short title.

- 1. (1) These rules may be called the Municipal Election Rules, 1930.
- (2) They shall come into force on the first day of October, 1930

Definitions.

2. In these rules unless there is anything repugnant in the subject or the context—

- (a) "Constituency" means a class or ward, for the representation of which a member or members is or are to be or has or have been elected under these rules;
- (b) "Newly-constituted committee" means a committee of which the members have been elected at a general election or appointed about the time of a general election, but have not yet taken their seats;
- (c) "Oath of allegiance" means the oath or affirmation of allegiance prescribed by section 12-A of the Act;
- (d) "Roll" means the roll of persons entitled to vote at an election under these rules;
- (e) "The Act" means the Punjab Municipal Act, 1911.
- General elections to be held on dates fixed by the Deputy Commissioner.

  so determined shall be published not less than six weeks before such date or the first of such dates by being posted at the office of the Deputy Commissioner and at such other places as the Deputy Commissioner may direct:

<sup>1.</sup> P.G. N. No. 18030, dated 28th May 1930.

Provided that in the case of the committees of Simla, Murree, Dalhousie and Dharmsala such dates shall not be earlier than the fifteenth day of May or later than the thirtieth day of September.

Provided further that the Local Government may at any time not less than ten days before the first of the dates so determined direct that the elections shall be postponed to such other date or dates as may be prescribed not more than thirty days later than the date or dates originally determined, and no proceedings taken prior to the date of such direction shall be invalid merely on account of such postponement.

<sup>1</sup>Note.—This rule gives Deputy Commissioners absolute discretion as to the dates to be fixed for general elections, but rule 4 prescribes a maximum of three years as the term of office of elected members, and ordinarily the dates fixed for a general election should be such as to permit of the notification of the results at or about the time when the three years' term of office of the sitting members will expire. It does not, however, matter if circumstances make it desirable slightly to extend or slightly to curtail the term of the existing committee; for on the one hand sub-section (3) of section 13 of the Act provides that notwithstanding anything contained in any rules an outgoing member shall continue in office till the election of his successor is notified: on the other hand, rule 4 limits the term of office of members to the date fixed, under rule 5, for the first meeting of a newly-constituted committee and members of an existing committee, therefore, vacate office automatically on that date whether their three years have expired or not. It is preferable so to arrange matters that there shall be no gap between the date on which an old committee goes out of office and the date on which a new committee comes into office. If, therefore, the life of a committee has been prolonged for more than three years, it must be remembered that the members will vacate office as soon as the names of their successors are notified and the date to be fixed for the first meeting of the new committee should, therefore, be immediately after the notification of the election of new members has been published and arrangements should be made for this purpose before hand.

A case occurred recently in which it was discovered that the polling dates originally fixed by the Deputy Commissioner when working out a programme for the election coincided with those of an festival. When this was discovered it was too late to make a change without postponing all the proceedings held up to date. To avoid a recurrence of this inconvenience a proviso has been added giving

government power to order a temporary postponement.

4. Subject to the provisions of the Act, the term of office of a member of a committee shall be three years from the date of taking his seat or until the date of the meeting appointed under the

<sup>1.</sup> Vide Notes on the Municipal Election Rules, 1930, issued with P. G. letter No. 21430 (L. S. T.—Comts.), dated 10th July 1930.

provisions of rule 5 for the administration of the oath of allegiance to members of a newly-constituted committee, whichever period is less.

- Administration of oath of allegiance.

  Administration of oath of allegiance.

  Administration of oath of allegiance.

  Administration of oath of allegiance committee as soon as may be after the appointment and election of the members of such committee have been notified, and shall at such meeting administer the oath of allegiance to the members present thereat, and such meeting shall be deemed to be a validly convened meeting of the committee notwithstanding anything contained in any bye-laws made under the provisions of section 31 of the Act, and the administration of the oath of allegiance shall be recorded as part of the proceedings in the minutes of the meeting.
- (2) The oath of allegiance shall be administered to any member of a newly-constituted committee who was not present at the meeting convened under the provisions of sub-rule (1) or to a member elected or appointed to fill a casual vacancy by the chairman of the meeting at which such member appears to take such oath.

<sup>1</sup>Note.—Member appointed ex-officio have to take the oath of allegiance before taking their seats on a committee.

Qualifications of voters.

6. No person shall be entitled to be entered as a voter on any roll unless he—

- (a) is a male British subject or a male natural-born subject of a State in India and had on the first day of the month in which the roll is published under the provisions of subrule (1) of rule 8 attained the age of twenty-one years; and
- (b) had, in the case of municipalities other than those of Dalhousie, Dharmsala, Murree and Simla, ordinarily resided or carried on business within the municipality for the twelve months preceding the first day of the month in which the roll is published under the provisions of sub-rule (1) of rule 8; and
- (c) is otherwise eligible under the special rules applicable to the municipal committee for which the roll is being prepared.

<sup>1</sup>Note.—This rule prescribes certain general qualifications, but to be entitled to vote a person must also possess one or other of the qualifications specified in the case of each municipality in the special election rules applicable to that municipality.

<sup>1.</sup> Vide Notes on the Municipal Election Rules, 1930 issued with P. G. letter No. 21430 (L. S. G. Comts.), dated 10th July 1930.

- 7. (1) Except with the sanction of the Local Government, which may be granted in respect of any person or class of persons, no person other than a British subject or a natural-born subject of a State in India shall be eligible for election as a member of a municipal committee.
- (2) No person shall be eligible for election as a member of a municipal committee who—
  - (a) is not entered as a voter on a roll of a constituency in the municipality; or
  - (b) is under contract as regards work to be done for, or goods to be supplied to, the municipal committee; or
  - (c) receives any remuneration out of the municipal fund for services rendered to the municipal committee; or
  - (d) has, within five years from the date fixed for the nomination of candidates under the provisions of rule 15, been proscribed from Government employment; or
  - (e) has, at any time within five years from the date fixed for the nomination of candidates under the provisions of rule 15, been serving a sentence of imprisonment for a period exceeding one year; or
  - (f) is an undischarged insolvent or being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or
  - (g) is a whole-time salaried Government official; or
  - (h) cannot, or if he is blind, could not before he became blind, read and write Urdu, English, Hindi (in Devanagri script) or Punjabi (in Persian or Gurmukhi script):

Provided that the Local Government may, in cases not covered by section 13 of the Indian Electoral Offences and Inquiries Act, 1920, exempt any person or class of persons from the disqualification contained in clause (b), (c), (d), (e) or (f) of this sub-rule.

Explanation.—For the purposes of this sub-rule a Public Prosecutor is not a whole-time salaried Government official.

'Note:—This rule details certain general disqualifications for membership. There are other disqualifications which are detailed below, but to be eligible to stand as a candidate for election a person must not only be suffering from any disqualification, but must possess certain actual qualifications specified in the case of each

municipality in the special election rules applicable to the municipality. The other disqualifications referred to above are as follows:—

- (1) Disqualification under sub-section (2) of section 16 of the Punjab Municipal Act, 1911;
- (2) Disqualification under rule 93 of Part V of these rules;
- (3) Disqualification under section 13 of the Indian Elections Offences and Inquiries Act, 1920.
- Preparation of preliminary rolls.

  The Deputy Commissioner shall cause the rolls of all constituencies of a municipality to be prepared in Form I and published at a convenient time not more than one hundred and twenty days before the date or the first of the dates fixed or to be fixed under the provisions of rule 3 for a general election, together with a notice intimating the date not less than twenty-one days from the date of the notice by which objections or claims with regard to the rolls may be presented and the Revising Authority or Authorities to whom they may be presented.
- (2) The names of voters on the rolls shall be arranged in alphabetical order and numbered serially by constituencies.
- (3) Notwithstanding anything contained in these rules or in any special rules applicable to any individual municipal committee, no persons shall be entitled to vote in respect of more than one alternative qualification, or to give more than one vote, and no person shall be recorded as a voter in more than one register of voters.
- (4) Every person entitled to be entered as a voter on a roll shall in the first instance be entered on the roll of the constituency in which he resides.
- (5) Copies of the rolls and the notice shall be posted at the office of the Deputy Commissioner and at the office of the committee and at such other places as the Deputy Commissioner may determine, and copies shall be available for sale at the price to be fixed by the Deputy Commissioner, and the proceeds of such sale shall be credited to the municipal fund.
- Note.—1. The preparation of the preliminary electoral rolls is one of the most important stages of the whole election procedure. It is at this stage that interested parties obtain the wholesale insertion of bogus names, and unless great care is exercised the work of revising authorities in the second stage is enormously increased. The arrangements to be made should, therefore, be carefully thought out well in advance and sufficient staff should be engaged to ensure that the work is properly done. In 1922 (Punjab Government letter No. 24992 (L.S.G.—Comts., dated the 14th October, 1922) instructions were issued that the municipal staff should, so far as possible, be disassociated from all election work, and that ward inspectors and registering clerk should be employed for the preparation of voters' registers on monthly salaries of twenty and ten rupees, respectively, for three months. The work of these inspectors and clerks was to be

supervised by a tahsildar or naib-tahsildar or such other person as the Deputy Commissioner might appoint, and the person appointed was to check from 10 to 15 per cent. of the entries in the registers and to initial all corrections. Experience has, however, shown that in the larger municipalities at any rate, if not in all alike, these instructions have not been sufficient to secure the satisfactory preparation of electoral rolls, and that more detailed instructions and a better agency are required. The following instructions are, therefore, to be considered to supersede the instructions issued in 1922:—

- 2. No municipal employees and no relations of members of the committee or of prospective candidates shall in any circumstances be used for the preparation or electoral rolls or any other function connected with municipal elections. Deputy Commissioners have power (Book of Financial Powers—paragraph 203 Schedule B, entry vi II.) to sanction the employment of temporary establishment for a period of not more than six months in the financial year when there is abnormal pressure of work and may give up to forty rupees a month to persons so engaged. This power should, therefore, be uesd to appoint the registering clerks required for the preparation of electoral rolls and Depuy Commissioners should be careful to make provision in their budget estimates for the expenditure involved on this account as well as for the printing of electoral rolls and other incidental expenditure and also to budget for the recoveries to be made from committees in this connection. The work should be supervised by a responsible officer, a tahsidar or naib-tahsildar in a small municipality and an Assistant Commissioner or Extra Assistant Commissioner in a large municipality. Before the work is started public notice should be given as to the date on which it will start together with an intimation that members or prospective candidates may, if they so choose, send their own representatives round with the clerks who will be employed in registering names. The lists should, in the first instance, be compiled by mohallas and when they have been compiled public notice should be given that they will be open to inspection for two weeks at the office of the officer in general charge of the work.
- 3. In small municipalities the task of checking these preliminary lists may be entrusted to the tahsildar or naib-tahsildar in charge. In large municipalies other assistance should be sought, and Deputy Commissioners are authorised to engage legal practitioners for the purpose for a fee not exceeding Rs. 32 a day. In either case the work of checking must be done on the spot and public notice should be given beforehand as to the time, date and place in each mohalla at which the checking officer will check the list of the mohalla concerned, and the public should be invited to co-operate by attending in order to attest the lists prepared. At the time, date and place announced the checking officer should read out the entries in the list and get them attested by the assembled public much in the way that shajra nasabs are attested during settlement proceedings.
- 4. On completion of the checking of the mohalla lists the compilation of the electoral rolls in alphabetical order should be under-

taken by the registering clerks, and a careful check of the result should be made by the officer-in-charge with a view to ensuring that no person entered in the mohalla lists is omitted, and that no person is entered on the roll of more than one constituency. The roll as finally checked should be submitted to the Deputy Commissioner for signature before being sent to press; and though subsequent proceeding should be carried out with reference to the printed copies, the signed manuscript roll should be considered the authentic originals and should be referred to in cases when undetected misprints in the printed copies give rise to claims and objections. In order to prevent any tampering with the manuscript rolls the officer-in-charge should see that no erasure is made in any roll, and that all corrections are made in red ink and attested by his signature.

5. When the preliminary electoral rolls are published the notice to be published at the same time with regard to claims and objections and revising authorities should be in following form:—

#### General Election for the

# Municipal Committee.

2. Claims or objections with regard to the roll of any constituency specified in the second column of the schedule below should be presented to the Revising Authority specified against that constituency in the first column of the schedule.

#### SCHEDULE.

Revising Authority.	Constituency.

Date\_\_\_\_\_ (Signature of Deputy Commissioner.

9. The Deputy Commissioner may appoint any magistrate of the first or second class other than an honorary magistrate to be a Revising Authority for the purpose of hearing claims or objections relating to rolls and may specify the constituency or constituencies for which he shall be the Revising Authority.

<sup>1</sup>Note.—In a large municipality in which legal practitioners have been employed to check the preliminary mohalla lists, only magistrates of the first class should be appointed as Revising Authorities.

- Presentation of claims and objections relating to the inclusion of names in, or their exclusion from, the roll may be presented to the appropriate Revising Authority named in the notice published with the roll by four o'clock of the afternoon of the date specified in such notice, provided that—
  - (a) a claim shall not relate to more than one person, shall be in writing, shall be verified by the claimant and shall be presented by him or by a duly authorized agent appointed by authority in writing signed by the claimant and verified by such agent, and, if such agent is not a legal practitioner by a magistrate, sub-registrar of the registration department, zaildar, lambardar or member of a local authority; and
  - (b) an objection shall not be made except by a persan whose name is on a roll of the municipality, shall not relate to more than one person, shall be in writing, shall be verified by the objector, shall be accompanied by a duplicate copy for service on the objector and shall be presented by him personally or by an agent duly authorized in the manner prescribed in clause (a) together with a copy thereof.
- (2) If a claim or objection is presented by an agent, the Revising Authority shall not receive it unless such agent has certified in writing that such claim or objection was signed by the claimant or objector in his presence, and that the person who so signed it is the person whom he represents himself to be in such claim or objection.
- (3) Any person whose name is entered on the roll of a constituency may by means of a claim apply to have his name transferred to the roll of another constituency if he owns a building or carries on business in such other constituency, and such claim shall be presented to the Revising Authority for such other constituency.

<sup>1.</sup> Vide Notes on the Municipal Election Rules 1930, issued with P. G. letter No. 21430 (L. S. G.—Comts.), dated 10th July 1930.

Note.—The Revising Authority accepting such an application will of course, have to inform the Revising Authority of the applicants' original constituency, so that the applicant's name may struck off the roll of the original constituency.

(4) The Revising Authority shall maintain a Register of Claims in Form II and a Register of Objections in Form III in which he shall cause to be entered at the time of its receipt particulars of every claim or objection, as the case may be, received.

<sup>1</sup>Note.—All claims and objections received must be entered in the registers whether they comply with the conditions prescribed in clause (a) and clause (b) of sub-rule (1) of this rule or not. Those which do not comply with the conditions will be summarily dismissed under sub-rule (1) of rule 12.

When a Revising Authority receives an objection presented under the provisions of rule 10, he shall Posting of list of claims cause one copy of it to be served on the person and objections, to whom objection is taken, provided that if an objection or claim is presented by a person from whom he is not authorized to receive it under the provisions of rule 9, he shall return it to the person presenting it for presentation to the appropriate Revising Authority; and when the period prescribed for the presentation of claims and objections has expired, he shall forthwith post at his office a list of all claims and objections received together with a notice showing the date on which and the places at which such claims and objections will be heard: provided that in no case shall a date be fixed less than seven days or more than twenty-eight days from the date on which such list was posted.

Note.—The list of claims and objections and the notice as to dates of hearing etc. should be published in the following combined form:—

# General Election of the

# Municipal Committee.

In pursuance of the provisions of rule 11 of the Municipal Election Rules, 1930 notice is hereby given that the claims and objections specified in the Schedule below have been received by me and will be heard by me on the date specified in each case on the fourth column of the schedule at the place specified in each case in the fifth column thereof.

Vide Note on the Municipal Election Rules 1930, issued with P. G. letter No. 21430 (L.S. G.—Comts), dated 10th July 1930.

## SCHEDULE.

## I. CLAIMS

Name and description of claimant.	Constituency on the roll of which he claims to be registered.	In the case of a claim under rule 10 (b) constituency on the roll of which he is registered.	Date of hear- ing of claim.	Date of hearing of objection.	
1	2	3	4	5	

#### II. OBJECTIONS.

Name of objector and number on electoral roll.	Name of person objected to and number on electoral roll.	Constituency.	Date of hearing of objection.	Place of hearing of objection.
1	2	3	4	5

Dat			

 $(Signature\ of\ Revising\ Authority).$ 

Disposal of claims and objections of rule 11, the Revising Authority shall call up the cases in the order in which they are entered in the list posted under the provisions of the said rule, shall dismiss any case in which the claimant or objector is not present or is not represented, and after hearing the parties con-

Part II

cerned or their authorized agents and, in the case of a claim, any person who objects to the admission of such claim, and such evidence as may be produced and may to him appear necessary, shall reject any claim or objection which does not comply with the provisions of clause (a) or clause (b) or sub-rule (1) of rule 10 or was received after four o'clock of the afternoon of the date specified in the notice published under the provisions of sub-rule (1) of rule 8 and shall pass such orders in any other case as he may deem fit.

- (2) Any person aggrieved by any order of a Revising Authority passed under the provisions of sub-rule (1) may, within three days from the date of such order, apply to the Deputy Commissioner for revision of the order and the Deputy Commissioner may confirm such order, or, after giving notice to the parties concerned and hearing any representation which they may wish to make and such evidence as they may produce at the hearing, may confirm it or may set it aside and pass such other order with respect to the claim or objection as he may deem fit.
- (3) Every order passed by a Revising Authority under subrule (1) and not set aside under sub-rule (2) and every order passed by the Deputy Commissioner under sub-rule (2) shall be final and shall not be called in question either by the Commission appointed under Part VI of these rules or by any court.
- 13. (1) A Revising Authority, as soon as he has disposed of

  Final publication of electoral roll

  all claims and objections presented to him and in any case not later than thirty days from the date by which under the provisions of sub-rule (1) of rule 8 claims and objections must be presented, shall forward a list of such claims and objections and of his orders accepting or rejecting them to the Deputy Commissioner, who shall cause the roll to be corrected accordingly and shall then either reprint and republish the roll so corrected, or if he deems fit shall republish the preliminary roll published under the provisions of sub-rule (1) of rule 8, together with a list of additions and corrections: provided that in any case copies duly corrected shall be made available for sale as soon as may be after republication has been made.
- (2) Any roll republished under the provisions of sub-rule (1) with or without a list of additions and corrections, as the case may be, shall come into force from the date of such republication and shall continue in force until a fresh roll is prepared and republished under the provisions of sub-rule (1) for the purposes of the next general election of members, provided that the Local Government may by notification direct the preparation in accordance with these rules of a fresh roll at any time.

<sup>1</sup>Note.—Unless there are very few corrections to be made, corrected rolls should be republished in full in order to avoid con-

 $<sup>\</sup>it Vide$  Notes on the Municipal Election rules, 1930 issued with P. G. letter No. 21480 (L. S. G.—Comts.), dated 10th July 1930.

fusion and to ensure that properly corrected copies are available at the polling booths.

- Correction of clerical errors, etc., in rolls

  Consider may at any time bring to the notice of the Deputy Commissioner by application in writing in any form any error in the entry in the roll relating to his name which is a clerical error and the Deputy Commissioner may at any time make or cause to be made such correction in the roll as he may deem necessary in respect of such entry.
- (2) Any person whose name was entered on a roll published under the provisions of sub-rule (1) of rule 8 may, if his name is omitted from the roll republished under the provisions of sub-rule (1) of rule 13 and no order for such omission has been passed under the provisions of rule 12, apply to the Deputy Commissioner for the restoration of his name to such roll and the Deputy Commissioner shall cause his name to be restored accordingly.

Note.—Under the Court Fees Act, 1870, it is not necessary to affix a stamp on an application presented under this rule.

- Dates to be fixed for nomination of candidates and scrutiny of nominations date for the nomination of candidates and scrutiny of nominations.

  Dates to be fixed for office and at the office of the committee, fix a date for the nomination of candidates for and scrutiny of nominations. Dates the nomination of candidates for the election, not less than twenty days before the date fixed for the election and not less than seven days after the republication of the notice and not less than seven days after the republication of the roll under the provisions of sub-rule (1) of rule 13, and a date not more than seven days after the date fixed for the nomination of candidates for the scrutiny of nominations.
- 16. (1) Any person not ineligible for membership of the committee under the provisions of rule 7 or of any Nomination of candiother rules or of the Act or of any other Act may be nominated as a candidate for election: provided that on or before the date fixed for the nomination of candidates under the provisions of rule 15, between the hours of elven o'clock of the forenoon and three o'clock of the afternoon he shall either in person or by his proposer and seconder together or by a duly authorized agent appointed by authority in writing by him and, unless such agent is a legal practitioner, verified by a magistrate, sub-registrar of the registration department, zaildar, lambardar or member of a local authority, deliver to the Deputy Commissioner or to an Assistant Commissioner or Extra Assistant Commissioner appointed by the Deputy Commissioner in this behalf, or, if the Deputy Commissioner is absent from the headquarters of the district and has made no such appointment, to any magistrate of the first class at such headquarters, a nomination paper completed in Form IV

appended to these rules and subscribed by the candidate himself as assenting to the nomination and by two persons, as proposer and seconder whose names are included in the roll of the constituency concerned republished under the provisions of sub-rule (1) of rule 13.

- (2) No person shall subscribe as proposer or seconder a number of nomination papers greater than the number of members to be elected to represent the constituency in question, and if a person has subscribed, whether as proposer or seconder, a larger number of nomination papers than there are vacancies to be filled, only those of the papers so subscribed which have been first received up to the number of such vacancies shall be deemed to be valid.
- (3) If any person is nominated as a candidate in more than one constitutency he shall, not later than the day succeeding the date on which the scrutiny of nominations of candidates under the provisions of rule 15 is concluded, intimate in writing to the Deputy Commissioner the constituency for which he wishes to stand, and his nomination for any other constituency shall thereupon be deemed to be cancelled: provided that if he fails to make such intimation, the Deputy Commissioner shall cancel his nomination in respect of all such constituencies except one as he may deem fit.
- 17. (1) Each candidate nominated under the provisions of rule 16 shall at or before the time of the de-Deposits to be made by livery of his nomination paper deposit or cause candidate. to be deposited with the Deputy Commissioner or other officer to whom the nomination paper has been delivered under the provisions of sub-rule (1) of rule 16, or in the treasury or a subtreasury the sum of three hundred rupees if he is a candidate for election in a municipality specified in the Schedule to these rules or of one hundred and fifty rupees if he is a candidate for election in any other municipality, in cash or in Government Promissory Notes of equal value at the market rate of the day; and the nomination paper of a candidate shall not be deemed to have been duly presented unless such deposit has been made, provided that no more than one such deposit need be made by any candidate in respect of his candidature for any one constituency.
- (2) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made withdraws his candidature within the time specified in rule 18, or if the nomination of any such candidate is refused, the deposit shall be returned to the person by whom it was made, and if any candidate dies before the commencement of the poll, any such deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.
- (3) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is not elected and the number of votes polled by him does not exceed one-eight of the total number

of votes polled in the constituency concerned, the deposit shall be forfeited to the Local Government.

Explanation.—For the purpose of this sub-rule the number of votes polled shall be deemed to be the number of ballot-papers, other than spoilt, tendered or challenged ballot-papers, counted.

- (4) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is elected and thereafter his election is deemed to be invalid owing to his failure to take the oath of allegiance, the deposit shall be forfeited to the Local Government.
- (5) Two hundred rupees out of a deposit of three hundred rupees and one hundred rupees out of a deposit of one hundred and fifty rupees made in respect of a candidate who is not elected shall, if such deposit is forfeited under the provisions of sub-rule (3), be returned to the candidate, or to the person who has made the deposit on his behalf as the case may be, as soon as may be after the publication of the result of the election in the Gazette, and two hundred rupees out of a deposit of three hundred rupees and one hundred rupees out of a deposit of one hundred and fifty rupees made in respect of a candidate who is elected shall, if such deposit is not forfeited under sub-rule (4), be so returned, as soon as may be, after the candidate has taken the oath of allegiance and the balance of such deposits shall be credited to the municipal fund as a contribution towards the expenses of the election.
- Withdrawal of candidature.

  Withdrawal of candidature.

  Withdrawal of candidature.

  Withdrawal of candidature.

  Deputy Commissioner or other person authorized by the Deputy Commissioner to receive such notice, before three o'clock of the afternoon of the third day succeeding the date fixed under the provisions of rule 15 for the scrutiny of nominations, and no person who has thus withdrawn his candidature shall be allowed to cancel his withdrawal or to be re-nominated as a candidate for the same election in the same constituency.

<sup>1</sup>Note.—The time for withdrawals has been extended to the third day after the scrutiny of nominations in order to allow a candidate who had been nominated for more than one constituency and had not intimated his choice of constituency to the Deputy Commissioner to withdraw from the constituency choosen for him by the Deputy Commissioner under sub-rule (3) of rule 16.

19. The Deputy Commissioner shall, on the second day succeeding the date fixed for the nomination of candidates under the provisions of rule 15 post at his office and at the municipal office lists of all the candidates whose nomination papers have been presented under

Vide Notes on the Municipal Election Rules, 1930, issued with P. G. letter No. 21430 (L. S. G.—Comts.), dated 10th July 1930.

rule 16, together with descriptions, similar to those contained in the nomination papers of the candidates and of the persons who have subscribed the nomination papers as proposers or seconder.

- Candidates, etc., to be allowed to examine nomination papers.

  authorized in writing by such candidate and no other person may attend at such time and place as the Deputy Commissioner may appoint, and all reasonable facilties shall be given to them for examining the nomination papers of all candidates whose names are included in the list of candidates posted under the provisions of rule 19.
- Scrutiny of nominations under the provisions of rule 15, after facilities have been given for the examination of nominations papers under the provisions of rule 20, an Assistant Commissioner or Extra Assistant Commissioner appointed by the Deputy Commissioner in this behalf, shall examine the nomination papers of all candidates whose names are included in the list of candidates posted under the provisions of rule 19, and shall decide all objections made to any nomination, and shall, either on such objection or on his own motion after such summary enquiry, if any, as he may deem necessary, refuse any nomination if he is satisfied—
  - (a) that the candidate was on the date fixed for the nomination of candidates ineligible for election under the provisions of rule 7 or of any other rules or of the Act or of any other Act and had not before that date been exempted by the Local Government from any disqualification imposed upon him;
  - (b) that a proposer or seconder was not qualified to subscribe the nomination paper under the provisions of rule 16;
  - (c) that there has been any failure to comply with any of the provisions of rule 16 or rule 17;
  - (d) that the candidate or any proposer or seconder is not identical with the person whose number on the roll is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be;
  - (e) that the signature of any candidate or of any proposer or seconder is not genuine or has been obtained by force or by fraud:

Provided that nothing contained in clause (b), (c), (d) or (e) of this sub-rule shall be deemed to authorize the refusal of the nomination of

any candidate on the ground of any irregularity in respect of a nomination paper if the candidate has been duly nominated by means of another nomination paper, in respect of which no irregularity has been committed:

Provided further, that no nomination shall be refused under clause (d) of this sub-rule if a summary enquiry is sufficient to establish the identity of the candidate, proposer and seconder with the persons who subscribed the nomination paper as such respectively.

Note.—This proviso embodies a principle which has been laid down in a number of rulings in election petition cases, vide e.g., Case XV in Vol. I of Hammond's Reports of the Indian Election Petitions 1920 and Cases II, III, XVI and XXIV in Vol. II of Hammond's Reports.

- (2) The officer appointed under the provisions of sub-rule (1) for the scrutiny of nomination papers shall endorse on each nomination paper his decision accepting or rejecting it, and if he rejects it he shall record in writing a brief statement of his reasons for so rejecting it.
- (3) Any person aggrieved by any order passed by an Assistant Commissioner or Extra Assistant Commissioner under sub-rule (1) or sub-rule (2) may within three days from the date of such order present, in person or by counsel or by a duly authorized agent appointed by authority in writing signed by him and verified by a magistrate, sub-registrar of the registration department, zaildar, lambardar or member of a local authority, to the Deputy Commissioner an application for revision of such order: provided that if the Deputy Commissioner is himself a member of the committee such application shall be presented to such other officer as the Commissioner may appoint in this behalf.
- (4) When any application for revision of an order has been submitted to the Deputy Commissioner or other officer appointed in this behalf under the provisions of sub-rule (3), the Deputy Commissioner or such other officer may, after hearing the applicant or his counsel, confirm such order, or, after sending by registered post notices to the candidates for election from the constituency concerned intimating the date, not less than seven days from the date of the notices on which such application will be heard, may on such date, after hearing any representation which the applicant and any other such candidate as may appear, may make, confirm such order or may set it aside and pass such other order as he may deem fit.
- <sup>1</sup>Note.—1. Deputy Commissioners should make the appointment required under sub-rule (1) at an early stage of the

Vide Notes on the Municipal Election Rules, 1930 issued with P. G. letter No. 21480 (L. S. G.—Comts.), dated 10th July 1930.

election proceedings so that all concerned may know in advance to whom to apply for revision.

- 2. It should be observed with reference to clause (a) of sub-rule (1) that a nomination must be refused if a candidate was on the date fixed for the nomination of candidates ineligible for election. The rule as now framed makes it clear that disability at the time of nomination cannot, for the purpose of the election for which the nomination was made, be cured by any subsequent removal of a disquilification. The rule thus follows many rulings which have been given in election-petition cases (vide, e.g., Cases VIII, XIX and XXXVII in Volume II of Hammond's Reports of the Indian Election Petitions, 1925). If any person suffering from a disqualification wishes to stand for election he must move the Local Government to remove his disqualification in time to receive orders on his application before the date fixed for nominations.
- 3. As regards clause (b) of sub-rule (1) all that the scrutinizing officer has to see is that the proposer and seconder are on the roll of the constituency to represent which the candidate is standing for election. The candidate himself may be on the roll of any constituency.
- 4. In connection with clause (c) of sub-rule (1) the scrutinizing officer must satisfy himself that—
  - (1) the nomination paper was presented at a proper time *i.e.*, between 11 a.m. and 3 p.m.;
  - (2) it was presented before the expiry af the period fixed *i.e.*, before 3 p.m. on the date fixed under rule 15;
  - (3) it was presented to the proper authority, i. e., the Deputy Commissioner or an Assistant Commissioner or Extra Assistant Commissioner appointed by the Deputy Commissioner in this behalf or, if the Deputy Commissioner was absent from headquarters and made no such appointment, a magistrate of the first class;
  - (4) it was subscribed by the candidate and by two persons as proposer and seconder;
  - (5) it was presented by the candidate himself or by his proposer and seconder together or by an agent duly authorised in the manner provided in sub-rule (1) of rule 16;
  - (6) the deposit required by sub-rule (1) of rule 17 has been made
  - [ (7) The nomination paper was presented at the office of

the Deputy Commissoner or other person authorized to receive it—vide the footnote to the form of Nomination paper, Form IV. In the Akola South (N.M.R.) election petition (Case I in Vol. II of Hammond's Reports of the Indian Election Petitions 1925) it was held that the whole Form of nomination paper must be read as part of the rule prescribing the Form, and that the requirement in the note on the Form of presentation at the Deputy Commissioner's office was a substantial and important part of the rule.

In this connection it may be noted that though ordinarily the office of the Deputy Commissioner is the building known as the Kacheri where the Courts are held and the general administration of the district is conducted, the term might be considered to cover also a room in his bungalow in which it was proved that it was his established custom to work from 2 p.m. onwards, a custom which was well-known to the members of the Bar and the litigant public.]

- 22. (1) On completion of the scrutiny of nominations and after the expiry of the period within which candidations to be posted up.

  List of valid nominations to be posted up.

  the expiry of the period within which candidatures may be withdrawn under the provisions of rule 18, the Deputy Commissioner shall forthwith prepare lists of valid nominations and cause them to be posted up at some conspicuous place in his office and at the municipal office.
- (2) Against each name in the list to be posted under the provisions of sub-rule (1) shall be placed a number of black dots which shall be different in the case of the name of each candidate for election in the same constituency, and at the foot of the list it shall be notified that the same number of dots will appear against the name of each candidate on the ballot-papers as appear against his name in the list.
- Death of a candidate before the poll and after the date fixed for the nomination of candidates and nomination is or has been accepted as valid by the officer appointed for the scrutiny of nomination papers, all proceedings with reference to the election of a member in the constituency or constituencies in which he was a candidate other than the preparation of the roll shall be commenced anew in all respects as if for a fresh election: provided that no fresh nomination shall be necessary in the case of a candidate whose name is entered on a list of valid nominations posted under the provisions of rule 22.
- Candidates deemed to be elected if their number of vales.

  Candidates deemed to be elected if their number is equal to or less than the number of valencies.

  Candidates validly nominated in any constituency is equal to or less than the number of members to be elected for such constituency, then such candidates shall be deemed to have been elected and if the number of such candidates is less than the number of members to be elected the Deputy

Commissioner shall fix another date for the election of the remaining members, and if the number of candidates validly nominated for such further election is less than the number of members to be elected, the Deputy Commissioner shall report the matter to the Local Government with a view to action being taken under clause (b) of section 14 of the Act.

- 25. If the number of candidates validly nominated in any constituency is greater than the number of members to be elected for such constituency, a poll shall be taken on the date or dates fixed for the election.
- 26. (1) The Deputy Commissioner shall select such number of polling-stations as he may deem necessary, List of polling-stations and shall, not less than seven days before the to be published and polldate or the first date of the dates fixed for ing officers to be appointed. the election, post at his office and at the office of the committee a list showing the polling-stations so selected, the polling area for which each such station has been selected and the hours during which each such station shall remain open for the recording of votes, and no person shall be permitted to record his vote except at the polling-station of the area to which according to the roll he belongs and within the period for which the pollingstation remains open.
- (2) The Deputy Commissioner shall appoint a presiding-officer and two polling-officers for each polling-station and such other persons (hereinafter referred to as polling assistants) to assist the presiding-officer as he may deem necessary, and if before or at the time of the poll the presiding-officer or a polling-officer or polling-assistant refuses to act or becomes incapable of acting as such, the Deputy Commissioner shall appoint another person to act as presiding-officer or polling-officer or polling-assistant, as the case may be, and the Deputy Commissioner may at any time, if he thinks fit, appoint any other person so to act in place of any person previously appointed:

Provided that in cases to which the provisions of sub-rule (2) of rule 33 have been applied by the Local Government the Deputy Commissioner may, if he thinks fit, appoint only one polling-officer.

Note.—The number of polling-stations should be such that it shall not be necessary to poll more than 1000 votes at any one polling-station on any one day, and the number of polling-assistants should be such that no polling-assistant should have to deal with more than 250 votes on any one day.

(3) The presiding-officer shall in addition to performing any other duties imposed upon him by these rules, be in general

charge of all arrangements at the polling-station and may issue orders as to the manner in which persons shall be admitted to the polling-station and generally for the preservation of peace and order at or in the vicinity of the polling-station.

Note.—Any one who disobeys an order made under this sub-rule would be liable to prosecution under section 188 of the Indian Penal Code.

- 27. (1) The Deputy Commissioner shall provide at each Materials to be supplied at polling-station materials sufficient for the purpose of enabling voters to mark the ballot-papers, instruments for stamping the official mark on such papers, as many ballot-boxes as may be necessary, and copies of the roll or of such part thereof as contains the names of the electors entitled to vote at such station.
  - (2) The official mark shall be kept secret.
- 28. Every ballot-box shall be marked with the name or number of the polling-station at which it is to be used and shall be so constructed that ballot-papers can be introduced therein, but cannot be withdrawn without the box being unlocked.
- Procedure before commencement of the poll, shall show the ballot-box empty to such persons as may be present at such station so that they may see that it is empty, and shall thereupon forthwith lock it up and place upon it the seal provided for the purpose in such manner as to prevent its being opened without breaking such seal, and shall keep it so locked and sealed, and shall thereafter open the polling-station for polling at the hour appointed under the provisions of sub-rule (1) of rule 26.
- Voting to be in person and not by proxy.

  Voting to be in person and not by proxy.

  Form V on which against the name of each candidate shall be shown the same number of dots as were shown against his name in the list of valid nominations posted under the provisions of rule 22.
- (2) No person, after entering a polling-station, shall exhibit to any polling muharrir, assistant or officer any paper purporting to show the name or description of such person.

- Question to be put to electors.

  Question to vote at the polling-station, and shall, if so required by a candidate or his agent, put to the elector the following questions:—
  - (a) Are you the person enrolled as follows (reading the whole entry relating to the elector from the roll)?
  - (b) Have you already voted at the present election?
  - (c) Such other questions as he may deem fit or necessary;

and the elector shall not be supplied with a ballot paper unless he answers the first question in the affirmative and the second question in the negative or if he refuses to answer any other question put to him in pursuance of this rule.

- 32. Immediately before he delivers a ballot-paper to an Procedure for distributing ballot-papers.

  Procedure for distributing ballot-papers.

  assistant shall cause it to be stamped with the official mark and shall call out the number, name and description of the elector as given in the roll and shall cause the roll number of the elector to be entered on the counterfoil of the ballot-paper and the signature of the elector, or, if the elector is unable to affix his signature, a rolled impression of his left thumb, to be obtained on such counterfoil, and shall make a mark in a copy of the roll against the number of the elector to denote that he has received his ballot-paper but without indicating the particular ballot-paper which he is to receive, and shall then hand the ballot-paper to the elector.
- 33. (1) When an elector has received a ballot paper he shall forthwith proceed to the place set apart for the marking of ballot-papers and shall mark a cross (×) in the square opposite to the name of the candidate for whom he votes: provided that if the elector is illiterate, he may require a polling-officer to mark the cross as directed by him and the polling-officer shall so mark the cross and after showing it to the other polling-officer return the ballot-paper to the elector; and when the elector has marked a cross or caused it to be marked, he shall fold up the ballot-paper and drop it into the ballot-box and forthwith leave the polling-station.
- (2) In the case of elections to which this sub-rule has been specially applied by the Local Government, a polling officer after marking the ballot-paper shall show it to such candidates or their agents as may be present,

34. If a person representing himself to be a particular elector named on the roll applies for a ballot-Tendered votes. paper after another person has voted as such elector, the applicant shall, after duly answering questions as the presiding officer may ask, be entitled to mark a ballot-paper in the same manner as any other voter: such ballotpaper (hereinafter referred to as a tendered ballot-paper) shall be of a colour different from the other ballot-papers, and, instead of being put into the ballot-box, shall be given to a polling-officer and endorsed by him with the name of the voter and his number on the roll and the name of the electoral area to which the roll relates and shall be set aside in a separate packet and shall not be counted: the name of the voter and his number in the roll and the name or number of the polling-station to which the roll relates shall be entered in a list in Form VI which shall bear the heading "Tendered Votes List": the person tendering such ballot-paper shall sign his name and address thereon or affix his thumb-impression against the entry in the list, and if he affixes his thumb-impression the presiding-officer shall sign his name across such impression.

If any candidate or his agent declares and undertakes to prove that any person by applying for a Challenged votes. ballot-paper has committed the offence of personation, the presiding-officer may require such person to state his name and address and shall then enter such name and address in the list of Challenged Votes in Form VII and shall require such person to sign such entry, or if he is unable to write to affix his thumbimpression thereto and the presiding-officer shall sign his name across such impression, and may further require such person to produce evidence of identification, and if such person on being questioned in the manner provided in rule 31 answers the first question in the affirmative and the second question in the negative and replies satisfactorily to any other question put to him in pursuance of that rule and if having been required to produce evidence of identification he produces evidence which the presiding-officer considers satisfactory, he shall be allowed to vote after he has been informed of the penalty for personation, and if the evidence of identification is not considered satisfactory, he may be given a challenged ballot-paper which shall be of a colour different from the colour of the other ballot-papers and from the colour of the tendered ballot-papers and instead of being put into the ballot-box shall be given to a pollingofficer and endorsed by him with the name and number of the voter as entered in the list of Challenged Votes and the name of the constituency concerned and shall be set aside in a separate package and shall not be counted.

36. A voter who has inadvertently dealt with his ballot-paper in such a manner that it cannot conveniently be used as a ballot-paper may, after delivering such ballot-paper to the presiding-officer and satisfying him of such inadvertence, obtain another ballot-paper in place of the spoilt paper,

and the latter, together with its counterfoil shall be marked as cancelled.

- The presiding-officer shall on each day on which polling is to take place close the polling-station Closing of pollingat the hour appointed under the provisions of sub-rule (1) of rule 26, and no ballot-paper shall be issued to any elector after such hour, but any elector who has already received a ballot-paper shall be allowed a reasonable time within which to record his vote: provided that if for any reason it was not possible to open the polling-station at the hour appointed under the provisions of sub-rule (1) of rule 26, or if by reason of disorder at the polling-station or for any other reason the presidingofficer deems it necessary to stop the polling for a certain time, the presiding-officer shall keep the polling-station open for a further period equal to the period that elapsed between the hour appointed for the opening of the polling-station and the hour at which it was actually opened or the time during which polling was stopped as the case may be.
- (2) If polling is to take place on more than one day at any polling-station in respect of the election in any one constituency the presiding-officer shall, after closing the polling-station, cover the slit on the lid of the ballot-box used during the day with cloth and seal such cloth with the seal provided and shall then hand over the box to the officer in charge of the police station for safe custody.
- Note.—(1) Rules 29 to 37 deal with the actual process of polling. It appears from reports received as to the conduct of recent elections in several municipalities that polling arrangements have not been at all satisfactory. Deputy Commissioners are, therefore, requested to see that the following instructions are strictly complied with in future.
- The polling-station should be divided into three portions, and access to the first portion should be possible only by means of two or more narrow passages sufficient to allow only two persons These passages should be at least twenty feet long and police constables should be stationed at their ends to regulate admission to them. In the first portion of the polling-station to which these passages will give access should be seated muharrirs amongst whom should be divided the electoral roll of the constituency concerned, each being assigned certain letters of the alphabet so that roughly each will have to deal with the same number of voters. The letters dealt with by each muharrir should be displayed boldly above where he is sitting. Chaprasis should be stationed at the entrances to direct each voter as he enters to the appropriate muharrir. a voter comes to a muharrir, the muharrir should enquire his name, father's name, etc., and after identifying him on the electoral roll should enter his number on the roll with red pencil on a slip and direct him to proceed to the next portion of the polling station. No

- 34. If a person representing himself to be a particular elector named on the roll applies for a ballot-Tendered votes. paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to mark a ballot-paper in the same manner as any other voter: such ballotpaper (hereinafter referred to as a tendered ballot-paper) shall be of a colour different from the other ballot-papers, and, instead of being put into the ballot-box, shall be given to a polling-officer and endorsed by him with the name of the voter and his number on the roll and the name of the electoral area to which the roll relates and shall be set aside in a separate packet and shall not be counted: the name of the voter and his number in the roll and the name or number of the polling-station to which the roll relates shall be entered in a list in Form VI which shall bear the heading "Tendered Votes List": the person tendering such ballot-paper shall sign his name and address thereon or affix his thumb-impression against the entry in the list, and if he affixes his thumb-impression the presiding-officer shall sign his name across such impression.
- 35. If any candidate or his agent declares and undertakes to prove that any person by applying for a ballot-paper has committed the offence of Challenged votes. personation, the presiding-officer may require such person to state his name and address and shall then enter such name and address in the list of Challenged Votes in Form VII and shall require such person to sign such entry, or if he is unable to write to affix his thumbimpression thereto and the presiding-officer shall sign his name across such impression, and may further require such person to produce evidence of identification, and if such person on being questioned in the manner provided in rule 31 answers the first question in the affirmative and the second question in the negative and replies satisfactorily to any other question put to him in pursuance of that rule and if having been required to produce evidence of identification he produces evidence which the presiding-officer considers satisfactory, he shall be allowed to vote after he has been informed of the penalty for personation, and if the evidence of identification is not considered satisfactory, he may be given a challenged ballot-paper which shall be of a colour different from the colour of the other ballot-papers and from the colour of the tendered ballot-papers and instead of being put into the ballot-box shall be given to a pollingofficer and endorsed by him with the name and number of the voter as entered in the list of Challenged Votes and the name of the constituency concerned and shall be set aside in a separate package and shall not be counted.
- 36. A voter who has inadvertently dealt with his ballot-paper in such a manner that it cannot conveniently be used as a ballot-paper may, after delivering such ballot-paper to the presiding-officer and satisfying him of such inadvertence, obtain another ballot-paper in place of the spoilt paper,

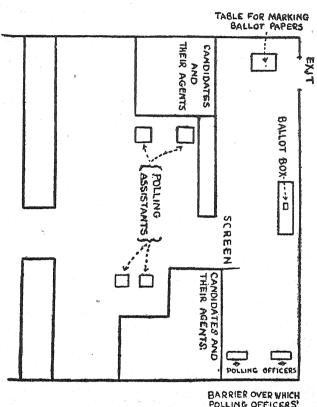
and the latter, together with its counterfoil shall be marked as cancelled.

- (1) The presiding-officer shall on each day on which polling is to take place close the polling-station Closing of pollingat the hour appointed under the provisions of sub-rule (1) of rule 26, and no ballot-paper shall be issued to any elector after such hour, but any elector who has already received a ballot-paper shall be allowed a reasonable time within which to record his vote: provided that if for any reason it was not possible to open the polling-station at the hour appointed under the provisions of sub-rule (1) of rule 26, or if by reason of disorder at the polling-station or for any other reason the presidingofficer deems it necessary to stop the polling for a certain time, the presiding-officer shall keep the polling-station open for a further period equal to the period that elapsed between the hour appointed for the opening of the polling-station and the hour at which it was actually opened or the time during which polling was stopped as the case may be.
- (2) If polling is to take place on more than one day at any polling-station in respect of the election in any one constituency the presiding-officer shall, after closing the polling-station, cover the slit on the lid of the ballot-box used during the day with cloth and seal such cloth with the seal provided and shall then hand over the box to the officer in charge of the police station for safe custody.
- Note.—(1) Rules 29 to 37 deal with the actual process of polling. It appears from reports received as to the conduct of recent elections in several municipalities that polling arrangements have not been at all satisfactory. Deputy Commissioners are, therefore, requested to see that the following instructions are strictly complied with in future.
- The polling-station should be divided into three portions, and access to the first portion should be possible only by means of two or more narrow passages sufficient to allow only two persons abreast. These passages should be at least twenty feet long and police constables should be stationed at their ends to regulate admission to them. In the first portion of the polling-station to which these passages will give access should be seated muharrirs amongst whom should be divided the electoral roll of the constituency concerned, each being assigned certain letters of the alphabet so that roughly each will have to deal with the same number of voters. The letters dealt with by each muharrir should be displayed boldly above where he is sitting. Chaprasis should be stationed at the entrances to direct each voter as he enters to the appropriate muharrir. a voter comes to a muharrir, the muharrir should enquire his name, father's name, etc., and after identifying him on the electoral roll should enter his number on the roll with red pencil on a slip and direct him to proceed to the next portion of the polling station. No

muharrir should be allowed to make any mark on the electoral roll to show to what persons he has given numbers. This first portion of the polling station should be an open enclosure so that persons interested can see and hear what is done and said without, however, being able to enter except by the regular entrance.

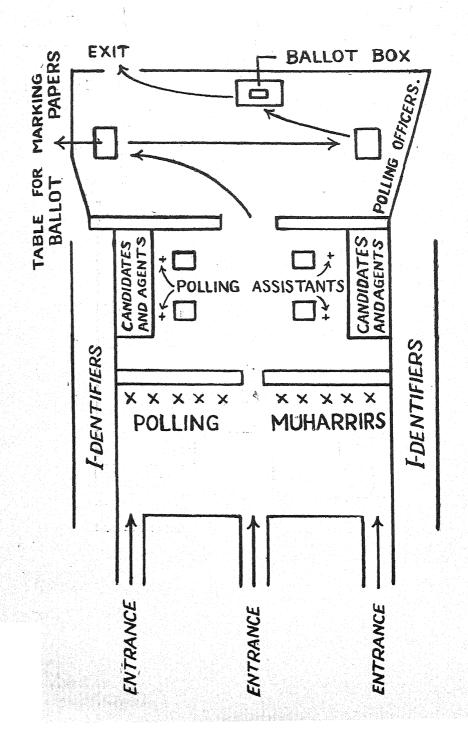
- The second portion of the polling station should be connected with the first portion by a short narrow passage at the end of which a chaprasi or constable should be stationed so as to regulate the admission of voters one by one. Each voter as he enters should be directed to the polling assistant dealing with the portion of the electoral roll on which his number is entered and present to him the numbered slip received from the muharrir in the first portion of the polling station. The polling assistant will turn up the appropriate entry in the electoral roll and read it out in full as required by rule 31 and if no objection is made by any candidate or his agent, will tick off the name in the electoral roll, initial the numbered slip and hand it to a muharrir, who will enter the number on the counter-foil of a ballot paper, obtain the signature or thumb-impression of the voter on the counter-foil, stamp the ballot paper with the official mark, detach it from the counter-foil and hand it to the voter, at the same time directing him to the third portion of the polling station. In the second portion of the polling station accommodation should be provided in separate enclosures for candidates and their agents. These separate enclosures should have their own entrances from outside and admission to them should be allowed only on production of a pass signed by the presiding officer who should issue passes only on the writteen application of a candidate. The second portion of the polling station should like the first portion be an open enclosure so that candidates and their agents can take notice of objections raised by their supporters when voters apply for number slips in the firs portion.
  - (4) The third portion of the polling station should be connected with the second portion by a short narrow passage at the end of which a chaprasi or constable should be stationed so as to regulate the admission of voters one by one. This third portion, if not a separate room in a building, should be completely enclosed with kanats or in some other way. Three tables should be provided arranged as shown in the plan. To one table black-lead pencils should be attached and on this table voters should mark their ballot papers. The polling officers in charge of the ballot box should sit at a second table on the opposite side of the room, and if any illiterate voter asks them to mark his ballot paper for him, one of them should mark it with a coloured pencil, show it to the other and return it to the voter. The ballot box should be on a third table against the far side of the room at right angles to the sides against which the first two tables are placed. Polling officers must understand that they are not to mark any ballot paper, except at the request of an illiterate voter.

- When sub-rule (2) of rule 33 has been declared to apply to any elections, the candidates' enclosure on one side of the second portion of the polling station will be separated from the third portion of the polling station adjacent to the polling officer's table only by a barrier over which the candidates and agents can see the polling officer's table; but from this enclosure the table where the literate voters mark their own votes must not be visible.
- (6) When Sub-rule (2) of rule 33 is applied, the polling-station will needs light variation as below :-



POLLING OFFICERS' TABLE CAN BE SEEN

# PLAN OF POLLING STATION.



- 38. As soon as possible after the close of the poll on the last day on which polling is to take place the presiding-officers and of such candidates or their agents, if any, as may be in attendance, shall open the ballot-box or ballot-boxes and count the valid votes recorded for each candidate, rejecting as invalid any ballot-paper which—
  - (a) has not on it the official mark, or
  - (b) has no vote recorded on it by means of a cross, or
  - (c) is so marked that it is uncertain how the voter intended to vote, or
  - (d) bears any mark by which the voter can be identified.
- Declaration of elected candidates and procedure in case of a tie.

  Declaration of elected candidates and procedure in case of a tie.

  Declaration of elected candidates and procedure is to be elected for the constituency, the candidates upto the number of members to be elected who are found to have obtained the greatest number of valid votes, shall be declared to have been elected: provided that if it is impossible to determine which candidate or candidates has or have obtained the greatest number of votes owing to two or more candidates having obtained an equal number of votes, the presiding-officer shall decide by lot which of such candidates shall

be deemed to have been elected and shall declare him or them elected

- When the counting of votes has been concluded and a declaration has been made as to which candi-Return of result of date or candidates has or have been elected election to be forwarded to the Deputy Commisthe presiding-officer shall forthwith prepare and forward to the Deputy Commissioner a return showing the names of the candidates, the number of votes recorded for each and the names of the candidates declared to have been elected, and the Deputy Commissioner shall forthwith post a copy of the return in a conspicuous place at his office and shall within one week forward the name of the elected candidates together with the names of candidates deem to have been elected under the provisions of rule 24 to the Commissioner with a view to their election being notified in the Gazette.
- 41. The presiding-officer shall seal up in separate packets, on the outside of which shall be endorsed a description of their contents, and forward to the Deputy Commissioner—
  - (a) the ballot-papers counted as valid;
  - (b) the ballot-papers rejected as invalid;
  - (c) the unissued ballot-papers;

accordingly.

<sup>(1)</sup> Vide Notes on the Municipal Election Rules, 1930 issued with P. G. Letter No. 21430 (L. S. G.—Comts.), dated 10th July 1930.

- (d) the tendered ballot-papers;
- (e) the challenged ballot-papers;
- (f) the spoilt ballot-papers;
- (g) the marked copy of the roll;
- (h) the counterfoils of the ballot-papers;
- (i) the counterfoils of the tendered ballot-papers;
- (j) the counterfoils of the challenged ballot-papers;
- (k) the tendered votes list; and
- (1) the list of challenged votes.
- Custody of election papers.

  Custody of election papers.

  Custody of election at the provisions of rule 41 in his custody until the expiry of one year from the date of the election and shall then, subject to any direction to the contrary made by the Local Government or a competent court or a person or persons appointed to hold an enquiry into an election under part VI of these rules, cause them to be destroyed.
- (2) Any candidate may apply to the Deputy Commissioner for a copy of the entries made in the List of Tendered Votes or in the list of Challenged Votes and such copy shall be supplied in accordance with the rules governing the supply of copies contained in Standing Order No. 5 of the Financial Commissioners.
- (3) Any candidate may apply to the Deputy Commissioner for a copy of an electoral roll as marked under the provisions of rule 32 and such copy shall be supplied on receipt of the price of the roll as fixed under sub-rule (5) of rule 8, together with a fee of five rupees for every hundred marked names on the roll, and the marking of such copy of the marked roll shall be done by the Deputy Commissioner or by an Assistant Commissioner or Extra Assistant Commissioner who as soon as he has marked such copy shall forthwith again seal up the original marked roll.
- Procedure for casual vacancies.

  Procedure for casual vacancies.

  Committee by the death, resignation or removal of any member and a new member has to be elected in his place in accordance with the provisions of sub-section (1) or (2) of section 17 of the Act, such election shall be conducted in the manner prescribed in these rules for a general election, save that the date of the election shall be fixed as soon as may be convenient after the occurrence of the vacancy, and that the electoral roll in force under the provisions of rule 13 shall be deemed to be the electoral roll.
- 44. If on account of illness, absence from headquarters or any other reason the Deputy Commissioner is unable to perform any of his functions under the Deputy Commissioner.

  Assistant Commissioner to perform such functions on his behalf.

Final authority for interpretation of these rules.

Final authority for interpretation of these rules otherwise than in connection with an election petition, the question shall be referred to the Local Government whose decision shall be final

# PART II.

<sup>1</sup>Note.—The rules in this Part will be applied to municipalities in which owing to the large number of votes it is necessary to have more than one polling station in a constituency and polling in a constituency on more than one day.

- Extent of rules in this part.

  Extent of rules in this part.

  the rules in this Part shall apply to any municipality or to any constituency in a municipality specified in such notification in place of rules 38
- Ballot-boxes to be sealed ed each day and handed over to the police.

  Ballot-boxes to be sealed ed each day and handed over to the police.

  Ballot-boxes to be sealed ed, each day and handed over to the police.

  Still in the lid of each ballot-box used during the day with cloth and seal, such cloth with the seal provided, and shall thereafter hand over the ballot-boxes to the officer in charge of the police station for safe custody until the conclusion of the poll.
- Procedure after the close of the poll on the last day on which polling is to take place the presiding-officer shall, in the presence of any candidates, or their agents, who may be present, make up into separate parcels and seal with the seal provided—
  - (a) each ballot-box used at the polling-station, unopened but with the key attached and with the slit in the lid covered with cloth sealed with the seal provided;
  - (b) the unissued ballot-papers;
  - (c) the tendered ballot-papers;
  - (d) the challenged ballot-papers;
  - (e) the spoilt ballot-papers;
  - (f) the marked copy of the roll;
  - (g) the counterfoils of the ballot-papers;
  - (h) the counterfoils of the tendered ballot-papers;
  - (i) the counterfoils of the challenged ballot-papers;
  - (j) the tendered votes list; and
  - (k) the list of challenged votes.

<sup>(1)</sup> Vide Notes on the Municipal Election Rules, 1930 issued with P. G. Letter No. 21430 (L. S. G.—Comts.), dated 10th July 1930.

- (2) On the outside of every parcel made under sub-rule (1) the presiding-officer shall note the name of the polling-station and the nature of the contents of the parcel and shall then make all the parcels into one package and shall seal the package with the seal provided and mark on it the name and number of the polling-station and shall then forthwith make over the package to a police officer deputed to take charge of it at the polling-station who shall forward it with the least possible delay to the Deputy Commissioner: provided that if the number of ballot-boxes used at the polling-station is so great as to make it difficult to enclose them all in one package, the presiding-officer shall make such number of packages as may be convenient.
  - (3) The presiding-officer shall forward separately to the Deputy Commissioner an account of ballot-papers in Form VIII.
  - 49. On a date and at a time and place appointed by him, of Counting of votes and checking of ballot-papers.

    Which notice shall be given in writing to each candidate, the Deputy Commissioner or an Assistant Commissioner or Extra Assistant Commissioner appointed by the Deputy Commissioner in this behalf, shall, after the receipt of the packages from all the polling-stations in the constituency and in the presence of any candidate who wishes to watch the proceedings, or his agent, open each ballot-box in turn and remove therefrom the ballot-papers and with the help of such persons as may be appointed to assist in counting the votes shall count the valid votes recorded of each candidate, rejecting as invalid any ballotapaper which—
    - (a) has not on it the official mark, or
    - (b) has no vote recorded on it by means of a cross, or
    - (c) is so marked that it is uncertain how the voter intended to vote, or
    - (d) bears any mark other than the number on its back by which the voter can be identified;

and shall thereafter check the issued and unissued ballot-papers with each presiding-officer's account of ballot-papers.

Declaration of elected candidates and procedure in case of a tie.

Declaration of elected candidates and procedure in case of a tie.

Declaration of elected number of valid votes or, if more than one number is to be elected for the constituency, the candidates up to the number of members to be elected who are found to have obtained the greatest number of valid votes shall be declared to have been elected: provided that if it is impossible to determine which candidate or candidates has or have obtained the greatest number of votes, owing to two or more candidates having obtained an equal number of votes, the Deputy Commissioner shall decide by lot which of such candidates shall be deemed to have been elected, and shall declare him or them elected accordingly.

- When the counting of votes has been concluded and a declaration has been made as to which candidate Return of result of or candidates has or have been elected, a return election to be posted at the Deputy Commisshowing the names of the candidates, sioner's office number of votes recorded for each and the names of the candidates declared to have been elected, shall forthwith be prepared by or under the direction of the Deputy Commissioner who shall forthwith post a copy of the return in a conspicuous place at his office and shall within one week forward the names of the elected candidates together with the names of candidates deemed to have been elected under the provisions of rule 24 to the Commissioner with a view to their election being notified in the Gazette.
- Custody of election papers.

  Custody of election pointed under rule 49 shall seal up the parcels of issued and unissued ballot-papers, and such parcels together with all other parcels received from the polling-station shall remain in the custody of the Deputy Commissioner until the expiry of one year from the date of the election and shall then, subject to any direction to the contrary made by the Local Government or a competent court or a person or persons appointed to hold an enquiry into an election under Part VI of these rules, cause them to be destroyed.
- (2) Any candidate may apply to the Deputy Commissioner for a copy of the entries made in the List of Tendered Votes or in the List of Challenged Votes and such copy shall be supplied in accordance with the rules governing the supply of copies contained in Standing Order No. 5 of the Financial Commissioners.
- (3) Any candidate may apply to the Deputy Commissioner for a copy of an electoral roll as marked under the provisions of rule 32 and such copy shall be supplied on receipt of the price of the roll as fixed under sub-rule (5) of rule 8, together with a fee of five rupees for every hundred marked names on the roll, and the marking of such copy of the marked roll shall be done by the Deputy Commissioner or by an Assistant Commissioner or Extra Assistant Commissioner who as soon as he has marked such copy shall forthwith again seal up the original marked roll.

#### PART III.

<sup>1</sup>Note.—The system of polling prescribed in this part is a modification of the system for municipal elections in France, and the object of it is to do away with the marking of the ballot-papers of illiterate voters by presiding officers. With this system the polling-station need have two portions only, as it is unnecessary for the ballot-box to be in a separate portion, seeing that the marking of ballot-

<sup>(1)</sup> Vide Notes on the Municipal Election Rules 1930 issued with P.G. Letter No. 21430 (L. S. G.—Comts.), dated 10th July 1930.

papers must be done before electors enter the polling station. The arrangements to be made and the procedure to be followed will mutatis mutandis be the same as that prescribed in the Note to rule 29. The presiding-officer and the polling officers will, however, all be together in the second portion of the polling-station and will be engaged in the procedure of numbering ballot-papers after identification of the electors who present them. It should be noted that polling officers are empowered to deal with tendered votes (rule 57), but not with challenged votes (rule 58).

- Extent of rules in this part shall apply to any municipality specified in such notification in place of sub-rule (2) of rule 22 and rules 27 and 30 to 41 in Part I.
- Provisions as to ballotpapers

  Provisions as to ballotpapers

  to record his vote shall do so in person, and not by proxy, by means of a ballot-paper in Form IX on the inside of which shall be written or printed in English, Urdu, Hindi or Gurmukhi, the name of the candidate for whom he wishes to vote.
- (2) The Deputy Commissioner shall have supplies of blank ballot-papers made ready for distribution on or after the third day succeeding the date fixed for the scrutiny of nominations under the provisions of rule 15, and on or after that date any elector who applies for a ballot-paper shall be supplied with one and any candidate whose name is entered on the list of valid nominations posted under the provisions of rule 22 shall be supplied with such number of ballot-papers not exceeding twice the number of voters on the roll of the constituency in question as he may desire for distribution to electors: provided that the candidate shall pay such price for the ballot-papers not exceeding three pies per paper as is fixed by the Deputy Commissioner.
- (3) Supplies of ballot-papers shall also be made available outside and in the immediate vicinity of each polling-station during the hours of polling and any person who applies for a ballot-paper shall be provided with one.
  - 55. (1) No person shall be permitted to enter a pollingstation except on production of a closed ballot-paper.
- (2) Every elector on entering a polling-station shall be directed to a polling-clerk to whom he shall intimate his name and description, and if any person of such name and description is entered on the roll, the polling-clerk shall write on a slip of paper the number of such person on the roll and the elector shall then take his ballot-paper and the slip to the presiding officer or a polling-officer or polling-assistant who shall read out the number, name and discription of the elector as

entered in the roll and, subject to the provisions of rules 56, 57 and 58 shall then cause the signature of the elector, or, if the elector cannot write, his thumb-impression to be taken on a foil in a Ballot-Book in Form X and his number on the roll to be entered on such foil, and shall then enter with blue pencil in the space provided for the purpose on the outside of the ballot-paper the book number and foil number of the ballot-book on which the elector's signature or thumb-impression has been taken and after making a mark against his number on the roll shall return the ballot-paper to the elector who, after dropping the ballot-paper into the ballot-box shall forthwith leave the polling-station.

- (3) Every ballot-book shall bear a book-number and the foils in each book shall be numbered serially and before bringing a ballot-book into use the presiding-officer or polling-officer shall note on the outside thereof the name, if any, and number of the polling-station.
- Questions to be put to electors.

  Questions to be put to in a ballot-book, the presiding officer or a polling-officer may of his own accord if he has reason to doubt the identity of the elector or his right to vote at the polling-station, and shall, if so required by a candidate or his agent, put to the elector the following questions:—
  - (a) Are you the person enrolled as follows (reading the whole entry relating to the elector from the roll)?
  - (b) Have you already voted at the present election?
  - (c) Such other questions as he may deem fit or necessary;

and the elector shall not be permitted to record his vote unless he answers the first question in the affirmative and the second question in the negative, or if he refuses to answer any other question put to him in pursuance of this rule.

If a person on presenting his ballot-paper to the presiding-57. officer or a polling-officer represents himself to Tendered votes. be a particular elector named on the roll after another person has voted as such elector the presiding-officer or a polling-officer shall after putting to such person such questions as he may deem fit, cause the signature of such person or, if such person cannot write, his thumb impression to be taken on a tendered ballot-book which shall be in Form X but of paper of a colour different from the colour of the paper of the ordinary ballot-book, shall sign his name across such thumb impression, if any, and shall cause such person's number on the roll to be entered on such foil and shall then enter with red pencil in the space provided for the purposed on the outside of the ballot-paper the book number and foil number of the tendered ballotbook on which such person's signature or thumb impression has been taken, and after writing or stamping thereon, the words "Tendered

Vote 'shall set aside the ballot-paper in a separate package and such ballot-paper shall not be counted.

- If a candidate or his agent declares and undertakes to prove that any person by presenting his ballot paper Challenged votes. and representing himself to be a particular elector on the roll has attempted to vote in the name of any other person, whether living or dead, the presiding officer may require such person to state his name and address and shall then enter such name and address in the List of Challenged Votes in Form VII, and shall require such person to sign such entry, or, if he is unable to write, to affix his thumb impression thereto, and shall sign his name across such thumbimpression, if any, and may further require such person to produce evidence of identification, and if such person on being questioned in the manner provided in rule 56 answers the first question in the affirmative and the second question in the negative and replies satisfactorily to any other question put to him in pursuance of that rule, and if having been required to produce evidence of identification he produces evidence which the presiding-officer considers satisfactory, the presidingofficer shall proceed in the manner provided in sub-rule (2) of rule 55 and shall permit such person to record his vote, and, if the evidence is not considered satisfactory, the presiding officer shall cause the signature of such person or, if such person cannot write, his thumb impression to be taken on a foil in a challenged ballot-book which shall be in Form X but of paper of a colour different from the colour of the ordinary ballot book and from the colour of the tendered ballot book, and shall then enter with blue or black ink in the space provided for the purpose on the outside of the ballot paper the book-number and foil-number of the challenged ballot-book on which such person's signature or thumb impression has been taken and after writing or stamping thereon the words "Challenged Vote" shall place the ballotpaper in a separate package and such ballot-paper shall not be counted.
- (1) The presiding-officer on each day on which polling is to take place shall close the polling station Closing of polling-station at the hour appointed under the provisions of sub-rule (1) of rule 26 and no person shall be allowed to enter the polling-station after such hour, but any who has already entered the polling-station shall be allowed a reasonable time within which to record his vote, provided that if for any reason it was not possible to open the polling-station at the hour appointed under the provisions of sub-rule (1) of rule 26, or if by reason of disorder at the polling station or for any other reason the presiding-officer deems it necessary to stop the polling for a certain time, the presiding-officer shall keep the polling-station open for a further period equal to the period that elapsed between the hour appointed for the opening of the polling-station and the hour at which it was actually opened or the time during which polling was stopped, as the case may be.
  - (2) If polling is to take place on more than one day at any

polling station in respect of the election in any one constituency the presiding officer shall, after closing the polling-station, cover the slit in the lid of the ballot-box used during the day with cloth and seal such cloth with the seal provided and shall then hand over the box to the officer in charge of the police station for safe custody.

- Counting of votes.

  On which polling is to take place, the presiding officer, in the presence of the polling-officers and of such candidates or their agents, if any, as may be in attendance, shall open the ballot-box or ballot-boxes and after tearing off the perforated margins and the upper halves of the closed ballot-papers shall count the valid votes recorded for each candidate, rejecting as invalid any ballot-paper which—
  - (a) has no vote recorded on it; or
  - (b) has the names of more than one validly nominated candidate recorded on it; or
  - (c) bears the name of a person who is not a validly nominated candidate; or
  - (d) bears any mark other than the ballot-book and foil-numbers by which the elector can be identified.
- Declaration of elected candidates and procedure in case of a tie.

  Declaration of elected candidates and procedure in case of a tie.

  Declaration of elected candidates and procedure in case of a tie.

  Declaration of elected number of valid votes or, if more than one number is to be elected for the constituency, the candidates up to the number of members to be elected who are found to have obtained the greatest number of valid votes, shall be declared to have been elected: provided that if it is impossible to determine which candidate or candidates has or have obtained the greatest number of votes, owing to two or more candidates having obtained an equal number of votes, the presiding-officer shall decide by lot which of such candidates shall be deemed to have been elected and shall declare him or them elected accordingly.
- When the counting of votes has been concluded and a declaration has been made as to which candidate Return of result of or candidates has or have been elected, the election to be forwarded presiding officer shall forthwith prepare and to the Deputy Commisforward to the Deputy Commissioner a return showing the names of the candidates, the number of votes recorded for each and the names of the candidate or candidates declared to have been elected, and the Deputy Commissioner shall forthwith post a copy of the return in a conspicuous place at his office and shall within one week forward the names of the elected candidates together with the names of candidates deemed to have been elected under the provisions of rule 24 to the Commissioner with a view to their election being notified in the Gazette.

- 63. The presiding-officer shall seal up in separate packets, on the outside of which shall be endorsed a description of their contents, and forward to the Deputy Commissioner—
  - (a) the ballot-papers counted as valid;
  - (b) the ballot papers rejected as invalid;
  - (c) the tendered ballot-papers;
  - (d) the challenged ballot-papers;
  - (e) the marked copy of the roll;
  - (f) the ballot-books;
  - (g) the tendered ballot-books;
  - (h) the challenged ballot-books.

#### PART IV.

1Note. Vide Note to Part II.

- Extent of rules in this part.

  Extent of rules in this part.

  Extent of rules in this part.

  Extent of rules in this part shall apply to any municipality or any constituency in a municipality specified in such notification in place of rules 60 to 63 in Part III and rule 42 in Part I.
- Ballot-boxes to be sealed each day and handed over to the police.

  Ballot boxes to be place, the presiding officer shall cover the slit in the lid of each ballot box used during the day with cloth and seal provided and shall thereafter hand over the ballot boxes to the officer in charge of the police station for safe custody until the conclusion of the poll.
- Procedure after the close of the poll on the last day on which polling is to take place the presiding-officer shall, in the presence of any candidates, or their agents, who may be present, make up into separate parcels and seal with the seal provided—
  - (a) each ballot-box used at the polling-station, unopened but with the key attached and with the slit in the lid covered with the seal provided;
  - (b) the tendered ballot-papers;

<sup>(1)</sup> Vide Notes on the Municipal Election Rules, 1930 issued with P. G. letter No. 21430, (L. S. G.—Comts.) dated 10th July 1930.

- (c) the challenged ballot-papers;
- (d) the marked copy of the roll;
- (e) the ballot books;
- (f) the tendered ballot-books;
- (g) the challenged ballot-books;
- (h) the list of challenged votes.
- (2) On the outside of every parcel made under sub-rule (1) the presiding officer shall note the name of the polling-station and the nature of the contents of the parcel, and shall then make all the parcels into one package and shall seal the package with the seal provided and mark on it the name and number of the polling station and shall then forthwith make over the package to a police officer deputed to take charge of it at the polling station who shall forward it with the least possible delay to the Deputy Commissioner: provided that if the number of ballot boxes used at the polling station is so great as to make it difficult to enclose them all in one package, the presiding-officer shall make such number of packages as may be convenient.
- (3) The presiding officer shall forward separately to the Deputy Commissioner an account of ballot papers in Form XI.
- Counting and checking of ballot-papers.

  Counting and checking of the Deputy Commissioner, or an Assistant Commissioner appointed by the Deputy Commissioner in this behalf, shall after the receipt of the packages from all the polling-stations in the constituency and in the presence of any candidate who wishes to watch the proceedings, or his agent, open each ballot-box in turn and remove therefrom the ballot papers and with the help of such persons as may be appointed to assist in counting the votes, shall tear off the perforated margins and the upper halves of the ballot papers, and count the valid votes recorded for each candidate, rejecting as invalid any ballot-paper which—
  - (a) has no vote recorded on it; or
  - (b) has the names of more than one validly nominated candidate recorded on it; or
  - (c) bears the name of a person who is not a validly nominated candidate; or
  - (d) bears on the inside any mark by which the elector can be identified;

and thereafter shall open the packets of used, tendered and challenged ballot-papers and count them and check the numbers of the ballot-papers, tendered ballot-papers and challenged ballot-papers with the numbers of used foils in the ballot-books, tendered ballot-books and challenged ballot books, respectively.

Obsclaration of elected candidates and procedure in case of a tie.

Declaration of elected candidates and procedure in case of a tie.

Declaration of elected candidates and procedure in case of a tie.

Declaration of elected mumber of valid votes or, if more than one member is to be elected for the constituency, the candidates up to the number of members to be elected who are found to have obtained the greatest number of valid votes shall be declared to have been elected: provided that if it is impossible to determine which candidate or candidates has or have obtained the greatest number of votes owing to two or more candidates having obtained an equal number of votes, the Deputy Commissioner shall decide by lot which of such candidates shall be deemed to have been elected and shall declare him or them elected accordingly.

When the counting of votes has been concluded and a declaration has been made as to which candidate Return of result of or candidates has or have been elected, a return election to be posted at showing the names of the candidates, the numthe Deputy Commissioner's office. ber of votes recorded for each and the names of the candidates declared to have been elected, shall forthwith be prepared by or under the direction of the Deputy Commissioner who shall forthwith post a copy of the return in a conspicuous place at his office and shall within one week forward the names of the elected candidates, together with the names of candidates deemed to have been elected under the provisions of rule 24 to the Commissioner, with a view to their election being notified in the Gazette.

- 70. (1) The Deputy Commissioner or the Assistant Com-Custody of election missioner or Extra Assistant Commissioner papers. appointed under rule 67 shall seal up the parcels of used, tendered and challenged ballot-papers and such parcels, together with all other parcels received from the polling-station, shall remain in the custody of the Deputy Commissioner until the expiry of one year from the date of the election and shall then, subject to any direction to the contrary made by the Local Government or a competent Court or a person or persons appointed to hold an enquiry into an election under Part VI of these rules, cause them to be destroyed.
- (2) Any candidate may apply to the Deputy Commissioner for a copy of the entries made in the list of tendered votes or in the list of challenged votes and such copy shall be supplied in accordance with the rûles governing the supply of copies contained in Standing Order No. 5 of the Financial Commissioners.
- (3) Any candidate may apply to the Deputy Commissioner for a copy of an electoral roll as marked under the provisions of rule 55 and

such copy shall be supplied on receipt of the price of the roll as fixed under sub-rule 5 of rule 8, together with a fee of five rupees for every hundred marked names on the roll, and the marking of such copy of the marked roll shall be done by the Deputy Commissioner or by an Assistant Commissioner or Extra Assistant Commissioner, who as soon as he has marked such copy shall forthwith again seal up the original marked roll.

#### PART V.

- 71. (1) No election of a president or vice president of a Election of president committee shall be held at a meeting unless not or vice president. less than forty eight hours' notice of the holding of such meeting has been given to all members of the committee by delivery at their ordinary place of residence of a notice, which shall specify that such election is to take place at the meeting in question.
- (2) The person or persons elected shall, subject in the election of a president to the provisions of subsection (1) of section 20 of the Act, assume office from the date of election.
- 72. Voting for the office of president or vice president shall be by ballot, and if only one candidate for the office is proposed, the members present shall be required to vote by writing 'Yes' or "No" on the ballot paper, and if a majority of votes is not in the affirmative, the election shall be postponed to the next meeting of the committee when a further ballot shall be taken in respect of such candidates as may then be proposed, and the chairman of the meeting shall not have a casting vote.
- 73. (1) When the office of president or the office of vice-president and vice-presidents.

  Method of electing presidents.

  Method of electing presidents of a committee of which there is only one office of vice-president, has to be filled
  - a if one candidate obtains more votes that any other, then such candidate shall be deemed to be elected;
  - b' if two or more candidates obtain an equal number of votes, the matter shall be reported to the Deputy Commissioner of the district, who shall decide between the candidates by drawing lots in the presence of all the members of the committee who may attend after due notice to be present for the purpose.
- 2) When there are two offices of vice-president of a committee and both such offices have to be filled—
  - (a) voting shall take place at the same election for both the offices of vice-president of the committee and each member of the committee shall record only one vote;

- (b) the two candidates who obtain the largest number of votes shall be deemed to be elected: provided that if, owing to the fact that two or more candidates have obtained an equal number of votes, it is impossible to decide which two candidates have obtained the largest number of votes the matter shall be decided by lot by the Deputy Commissioner in the manner specified in clause (b) of sub rule (1) of this rule;
- (c) the candidate obtaining the largest number of votes shall be deemed to have been declared by the committee to be the senior vice-president, and the candidate obtaining the second largest number of votes shall be deemed to be the junior vice-president: provided that if both the candidates elected have obtained an equal number of votes, the matter shall be decided by show of hands at a meeting presided over by the president, the president having a casting vote if the votes are otherwise equal.
- 74. When there are two offices of vice president of a committee and one such office falls vacant, the vice president remaining in office shall be deemed to be the senior vice president and election shall be held in the manner specified in rule 72 and sub-rule (1) of rule 73 to fill the office of junior vice president.

#### PART VI.

- 75. In this part unless there is anything repugnant in the Definitions.

  subject or the context,—
  - (a) "Corrupt practice" means—
    - (i) a gift, offer or promise by a cadidate or an agent of a

      Bribery by candidate candidate, or by any other
      or agent of a candidate. person with the connivance of
      a candidate or any such agent, or any gratification to
      any person whomsoever, with the object, directly or
      indirectly, of inducing a person to stand or not to
      stand as, or to withdraw from being, a candidate, or
      an elector to vote or refrain from voting at an election, or as a reward to a person for having so stood
      or not stood or for having withdrawn his candidature,
      or an elector for having voted or refrained from
      voting;

Explanation.—For the purpose of this clause the term 'gratification' is not restricted to pecuniary gratifications or gratifications estimable in money, and includes all forms of entertainment and all forms of employment for reward; but it does not include the payment

of any expenses bona fide incurred at or for the purposes of any election.

(ii) any direct or indirect interference or attempt to in-Undue influence by terfere on the part of a cancandidate or agent. didate or an agent of the candidate or of any other person with the connivance of the candidate or any such agent, with the free exercise of any electoral right;

Explanation.—(1) Without prejudice to the generality of the provisions of this clause, any such person as is referred to herein who threatens any candidate or voter or any person in whom a candidate or voter is interested, with injury of any kind; or induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter within the meaning of this clause;

- (2) a declaration of public policy or a promise of public action or the mere exercise of a legal right without intent to interfere with an electoral right shall not be deemed to be interference within the meaning of this clause.)
- Personation procured by candidate or any agent of a candidate, or by any other person with the connivance of a candidate or any such agent, the application for or the presentation of a ballot-paper by a person in the name of any other person; whether living or dead, or in a fictitious name, or the application for or presentation of a ballot-paper by a person who has already voted once at an election in his own name at the same election;
- (iv) the publication by a candidate or any agent of a candidate, or by any other person with the connivance of the candidate or agent.

  Publication of false statements by candidate or any such agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate, which statement is reasonably calculated to prejudice the prospects of such candidate's election;
- (v) any act specified in sub-clause (i), (ii), (iii) or (iv), when Bribery, undue influence, procuring of agent of a candidate or a person acting with personation, publication of false statements by person other than candi-

date or agent,

- (vi) the application for or presentation at an election of a ballot paper by a person in the name of any other person, whether living or dead, or in a fictitious name, or in his own name after he has already voted at such election;
- (vii) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward by a person to stand or not to stand, as, or to withdraw from being, a candidate, or by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting or any candidate to withdraw his candidature;
  - (b) 'candidate' means a person who has been nominated as a candidate at any election and includes a person, who, when an election is in contemplation, holds himself out as a prospective candidate thereat and is subsequently nominated as a candidate at such election;
  - (c) 'election' means the election of a member, president, or vice-president of a municipal committee;
  - (d) 'elector' means a person whose name is registered on the roll of the constituency against the return of a candidate to represent which a petition is presented or, for the purpose of a petition against the return of a president or a vice-president, a person whose name is registered on the roll of any constituency;
  - (e) 'material irregularity' in the procedure of an election includes any such improper acceptance or refusal of any nomination or improper reception or refusal of a vote or reception of any vote which is void or non-compliance with the provisions of the Act or of the rules made thereunder, or mistake in the use of any form annexed thereto as materially affects the result of an election.
- 76. No election shall be called in question except by an election Election not to be question petition presented in accordance with these ed except by petition.
- 77. An election petition against the return of a candidate at a municipal election or against the return of a president or vice-president or against an unsuccessful candidate with a view to his disqualification under rule 92 on the ground of a corrupt practice or material irregularity in the procedure shall be in writing, signed by a person who was a candidate at the election or by not less than five electors, and the petition shall be presented to the Deputy Commissioner or an Assistant Commissioner

Part II

or Extra Assistant Commissioner appointed by the Deputy Commissioner in this behalf within fourteen days after the day on which the result of the election was declared: provided that the limit of fourteen days prescribed by this rule may be extended by the Deputy Commissioner if there are in his opinion sufficient grounds for such extension.

Explanation.—For the purpose of this rule in a constituency in which a candidate is deemed to be elected under the provisions of rule 24 the day on which the list of valid nomination is posted under the provisions of sub rule (1) of rule 22 shall be deemed to be the day on which the result of the election was declared.

- Contents of the petition shall contain a statement in concise form of the material facts on which the petitioner relies and shall, where necessary, be divided into paragraphs numbered consecutively, and shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1908.
- (2) The petition shall be accompanied by a list signed and verified in like manner setting forth full particulars of any corrupt practice which the petitioner alleges, including as full a statement as possible as to the names of the parties alleged to have committed any corrupt practice and the date and place of the commission of each such practice.
- (3) The Commission may, upon such terms as to costs and otherwise as it may direct at any time, allow the particulars included in the said list to be amended or order such further and better particulars in regard to any matter referred to therein to be furnished as may in its opinion be necessary for the purpose of ensuring fair and effectual trial of the petition: provided that particulars as to any additional corrupt practice not contained in the said list shall not be added by means of any such amendment.
- 79. (1) At the time of, or before presenting an election petition, the petitioner or petitioners shall deposit in the treasury or a sub treasury, if the election was an election of a member, president or vice-president of the committee of a municipality specified in the Schedule to these rules, five hunded rupees, or if the election was an election of a member, president or vice president of the committee of any other municipality, two hundred and fifty rupees in cash or in Government Promissory Notes of equal value at the market rate of the day as security for all costs that may become payable by him or them.
- (2) If a petitioner by whom the deposit referred to in sub rule (1) has been made withdraws his election petition as provided in rule 84, and in any other case after final orders have been passed on the election petition, the deposit shall, after such amount as may be ordered to be

paid as costs, charges and expenses has been deducted, be returned to the petitioner by whom it was made; and if the petitioner dies during the course of the enquiry into the election petition, any such deposit, if made by him, shall after the amount of such costs as may be ordered to be paid have been deducted, be returned to his legal representative.

(3) All applications for the refund of a deposit shall be made to the Deputy Commissioner, who shall pass orders thereon in accordance with these rules.

I etitions to be forwarded to Government.

- 80. The Deputy Commissioner shall forward every election petition received by him under rule 77 to the Local Government.
- 81. If any of the provisions of rule 77 or rule 79 have not been complied with, the Local Government Petitions to be dimissed for non-compliance with rules. shall pass an order dismissing the election petition, and such order shall be final.
- Persons to be appointed for enquiry into a petition.
- 82. (1) If the election petition is not dismissed under rule 81, the Local Government shall appoint a person or persons, hereinbefore and hereinafter referred to as the Commission, to hold an enquiry into the allegations made in the election petition.
- (2) The Local Government may appoint a person by name or by office to be a Commission under this rule, and if a person is appointed by virtue of his office the person for the time being holding the office shall be the Commission unless the Local Government shall otherwise direct.
- (3) If a vacancy occurs in a Commission by reason of death, transfer, resignation or any other cause, the Local Government may make a fresh appointment as provided by clause (2) of this rule.
- (4) A change of incumbency in the Commission, whether by reason of death, transfer, resignation or any other cause, shall not invalidate any previous or subsequent proceedings in any matter pending before it, nor shall it be necessary for a Commission on account of such change to recommence any enquiry into any matter pending before it for disposal,
- (5) The Commission shall cause to be served on each respondent a notice of the presentation of the petition, together with a copy of the petition, and shall summon each respondent and in his presence or if he fails to be present or in person or by counsel after summons has been duly served upon him, or in his absence shall make an enquiry regarding the corrupt practices or irregularities alleged to have been committed.

- S3. (1) The enquiry shall be held in a place to which the public have free access and notice of the time and place of enquiry.

  Place and procedure of enquiry shall be given to the parties not less than seven days before the first day of the enquiry.
- (2) The place of enquiry shall be within the municipality, provided that the Commission may, on being satisfied that special circumstances exist rendering it desirable that the enquiry should be held elsewhere, appoint some other convenient place for the enquiry.
- (3) Subject to the provisions of these rules every election petition shall be enquired into as nearly as may be in accordance with the procedure applicable under the Code of Civil Procedure 1908, to the trial of suits: provided that if the Commission consists of more than one person it shall only be necessary for it to make or cause to be made a memoranda of the substance of the evidence of any witness.
- 84. (1) An election petition may be withdrawn only by leave of the Commission or if an application for withdrawal is made before any Commission has been appointed, of the Local Government.
- (2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.
- (3) When an application for withdrawal is made to the Commission notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published by being posted at the office of the Deputy Commissioner and at the municipal office.
- 4 No application for withdrawal shall be granted if in the opinion of the Local Government or of the Commission, as the case may be, such application has been induced by any bargain or consideration which ought not to be allowed.
  - -(5) If the application is granted-
    - (a) the petitioner shall, where the application has been made to the Commission, be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the Commission may think fit;
    - (b) notice of the withdrawal shall be published by being posted at the office of the Deputy Commissioner and at the municipal office;
    - (c) any person who might himself have been a petitioner may, within fourteen days from the date of such publication,

apply to be substituted as petitioner in place of the party withdrawing and, upon compliance with the conditions of rule 79 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Local Government or the Commission may think fit.

(6) When an election petition is allowed by the Commission to be withdrawn, the file of the proceedings shall be forwarded to the Local Government for information.

Abatement or substitution on death of petitioner. 85. (1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

- (2) Notice of the abatement of an election petitition shall be published by the Commission or, if the petition abates before any Commission has been appointed, by the Local Government by being posted at the office of the Deputy Commissioner and at the municipal office.
- (3) Any person who might himself have been a petitioner may, within fourteen days from the date of such publication, apply to be substituted as petitioner, and, upon compliance with the conditions of rule 79 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Local Government or the Commission may think fit.
- 86. If before the conclusion of the trial of an election petition Abatement or substitution the respondent dies or gives notice that he on death of respondent. does not intend to oppose the petition the Commission shall cause notice of such event to be published by being posted at the office of the Deputy Commissioner and at the municipal office, and thereupon any person who might have been a petitioner may, within fourteen days from the date of such publication, apply to be substituted for such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the Commission may think fit.

Grounds for declaring election void.

87. (1) Save as hereinafter provided in these rules if in the opinion of the Commission—

- (a) the election of a returned candidate has been procured, or induced or the result of the election has been materially affected, by a corrupt practice, or
- (b) any corrupt practice specified in sub-clause (i), (ii), (iii) or (iv) of clause (a) of rule 75 has been committed, or
- (c) there has been any material irregularity, or
- (d) the election has not a free election by reason of the large number of cases in which the corrupt practices specified

Part II]

in sub clause (i) or (ii) of clause (a) of rule 75 have been committed by a candidate or an agent of a candidate or a person acting with the connivance of a candidate or such agent or any person who is not a candidate or an agent of such candidate or a person acting with the connivance of a candidate or such agent, the Commission shall report that the election of the returned candidate should be deemed to be void.

- (2) If the Commission reports that a returned candidate has been guilty by an agent of any corrupt practice which does not amount to any form of bribery other than treating as hereinafter explained or to the procuring or abetment of personation, and if the Commission further reports that the candidate has satisfied it that—
  - (a) no corrupt practice was committed at such election by the candidate and the corrupt practice mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate, and
  - (b) such candidate took all reasonable means for preventing the commission of corrupt practices at such election, and
  - (c) the corrupt practices mentioned in the said report were of a trivial, unimportant and limited character and did not materially affect the result of the election, and
  - (d) in all other respects the election was free from any corrupt practice on the part of such candidate,

then the Commission may report that the election of such candidate should not be deemed to be void

Explanation.—For the purpose of this sub-rule "treating" means the incurring in whole or in part by any person of the expense of giving or providing and food, drink, entertainment or provision to any person with the object directly or indirectly of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

- 88. (1) At the conclusion of the enquiry the Commission shall Report of Commission report whether the returned candidate has in and procedure thereon. its opinion been duly elected, and in so reporting shall have regard to the provisions of rule 87.
- (2) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the Commission to such person, and shall, unless the Commission otherwise direct, be deemed to be part of the costs.
- (3 Costs shall be in the discretion of the Commission, and the Commission shall have full power to determine by and to whom and to

what extent such costs are to be paid and shall record a definite order as to such costs. The Commission may allow interests on costs at a rate not exceeding six per cent. per annum, and such interest shall be added to the costs.

- (4) The fees payable by a party in respect of fees of his adversary's pleader shall be such fees as the Commission may allow.
- (5) Before submitting the report the Commission shall fix a date for the presence of the parties or their agents, and shall announce the substance of the report and the order as to costs to such of the parties or their agents as may be present on that date.
- (6) A certified copy of any order passed by the Commission regarding the costs of the enquiry may be produced before the principal civil court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money, has a place of residence or business, and such court shall execute such order or cause it to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.

Findings as to corrupt practices and persons guilty.

- 89. Where any charge is made in an election petition of any corrupt practice, the Commission shall record in its report—
- (a) a finding whether a corrupt practice has or has not been proved to have been committed by any candidate or any agent of a candidate or with the connivance of any candidate or any such agent, and the nature of such corrupt practice, and
- (b) the names of all persons (if any) who have been proved at the enquiry to have been guilty of any corrupt practice and the nature of such corrupt practice with any such recommendations as they may desire to make for the exemption of any such persons from any disqualifications to which they may have become liable in this connection under these rules:

Provided that no person shall be so named in the report unless he has been given a reasonable opportunity of showing cause why his name should not be so recorded.

Commissioner or Local Government if the petition related to an election in a municipality of the second class or to the Local Government if the petition related to an election in a municipality of the first class, and, if the Commissioner or the Local Government, as the case may be, agrees with the findings of the Commission, the Commissioner or the Local Government shall issue orders in accordance with the report, and such orders shall be final;

#### THE MUNICIPAL ELECTION RULES, 1930 Part II

Provided that if within fifteen days of the date fixed for the announcing of the substance of the report to the parties under subrule (5) of rule 88 any person aggrieved by the findings recorded in the report presents to the Commissioner or the Local Government, as the case may be, a petition asking that any point in the said report be referred to the District Judge, the Commissioner or the Local Government shall proceed in accordance with the provisions of rule 91.

Commissioner or Local Government if not agreement with findings of the Commission, to refer to District the Judge and pass orders in accordance with his find-

91. (1) If the Commissioner or the Local Government do not agree with the findings of the Commission in respect of any matter, or if a petition is presented under the terms of the proviso to rule 90, the Commissioner or the Local Government, as the case may be, shall forward the record of the case to the District Judge, having jurisdiction in the municipality in question and

shall request the District Judge to record his opinion as to the correctness of any finding of the Commission and shall issue orders in accordance with the opinion so recorded and such orders shall be final.

- (2) The District Judge shall deal with any case forwarded to him under the provisions of sub-rule (1) as nearly as may be according to the procedure, applicable under the Code of Civil Procedure, 1908, to the hearing of appeals.
- 92. If, as the result of an equiry, it is established to the satisfaction of the Commissioner or the Local Gov-Persons guilty of corernment or the District Judge, as the case may rupt practice may be declared ineligible for be, that any person has been guilty of a cormunicipal office. rupt practice other than a corrupt pratice of the description referred to in sub-rule (2) of rule 87 and committed in circumstances in which the Commission may, under the provisions of the said sub rule, find that an election should not be deemed to be void, the Commissioner if the enquiry related to an election in a municipality of the second class or the Local Government in any other case, may declare that such person shall be incapable of being elected or nominated to membership or to any office whether honorary or paid of authority for a period which may extend to five years.

93. The Commissioner or the Local Power to remand for Government may remand any case for further further enquiry. enquiry.

The Local Government may of its own motion direct an enquiry to be held into the conduct of any Power of Government election if there is reason to suspect that a to order an enquiry. corrupt practice or material irregularity has been committed and the case shall be dealt with so far as may be in the manner prescribed in these rules.

95. When as a result of any enquiry under these rules the election of a candidate is declared void, the be Fresh election to Commissioner or the Local Government, as the held if an election case may be, shall direct that a new election shall be held, and, if in any case in which the declared void.

Commissioner has passed orders but the candidate has already taken his seat on the committee, the Commissioner shall report the matter to the Local Government with a view to the issue of a direction under clause (e) of section 14 of the Act that the seat of such member shall be vacated.

Record to be forwarded by the Commissioner to the Local Government if a charge of cor-rupt practice is established.

96. If in any case in respect of which the Commissioner has passed orders a charge of corrupt practice is found to have been established, the Commis sioner shall forward the record of such case to the Local Government for such action under section 196 of the Code of Criminal Procedure as may be deemed necessary.

#### SCHEDULE (RULE 17 (1).)

1.		14.	Karnal.
2.	Amritsar.	15.	Kasur.
3.	Batala.	16.	Lahore.
4.	Bhiwani.	17.	Ludhiana.
5.	Dalhousie.	18.	Lyallpur.
6.	Dera Ghazi Khan.		Multan.
	Ferozepore.	20.	Murree.
8.	Gujranwala.	21.	Panipat.
9.	Gujrat.	22.	
10.	Hissar.	23.	Rewari.
	Hoshiarpur.	24.	Rohtak.
12.	Jhang-cum Maghiana.		Sialkot.
13.	Jullundur.		Simla.
		1	

# FORM I.

(Rule 8.)

# Electoral Roll.

Const	tuency (ward or class)	- 1	. 6	
*Serial Number.	Name and father's name of elector.	Place of residence of elector.	Caste of elector.	Occupation of elector.

<sup>\*</sup>Electors shall be numbered serially within constituencies.

FORM II.

[ RULE 10 (4).]

Register of Claims for Registration.

Municipality\_\_\_\_\_\_Tuhsil.

Constituency.

1 7		
6	Signature of official by whom effect was given to the decision of the Revising Authority and date.	
8	Signature of Revising Authority.	
2	Decision.	
9	Admit	
ъ	Date of decision with note as to presence of parties.	
4	Date of presentation of claim, authority to whom it is presented, with initials of such authority.	
က	Name, father's name, caste and occupation of claimant.	
61	Class or ward in which registration is claimed.	
Į;	Serial number.	

**FORM III.** [ RULE 10 (4). ]

Register of Objections to Registration.

Constituency.

escondibilitations. Assume	13	noisi gaisi	Signature of official whom effect grown of the dect of the feving the feet and the feet of	
State of the state	12		Signatur of Revising Authority.	
	11	Decision.	Rejected.	
	10	DEC	Admitted.	
	6		Date of decision with note as to presence of parties.	
	8		Abstract of process-ser- ver's report and date.	•
•	2	Name of	process-ser- ver by whom dupli- cate served on person objected to and date.	
	9	Date of	presentation of objection to authority to whom it is presented with initials of such authority.	
	.c		Name and of objection ver by description to authority whom dupli-Abstract of of objector is presented be served on roll.  with initials person of such authority.  authority.	
	4	E REGISTERED.	with number of roll.	
	æ		under name.	
	63	Person objected to i	in class or ward.	
	-		Зетіві пишрет.	

# FORM IV.

(RULE 16 (1)).

# Nomination Paper.

Name of condidate
Name of candidate
Father's name Caste
Occupation
OccupationAddress
Constituency on electoral roll of which the candidate is registered as an elector
Number of the candidate on the electrol roll of the constituency in
Number of the proposer on the electoral II all
Signature of the proposer
Number of the seconder on the electoral roll of the constituency in
which the candidate is a candidate for election
DEGLARATION BY CANDIDATE.
I hereby declare that I agree to this nomination.
DateSignature of candidate
Note—This nomination paper will not be valid unless it is delivered to the Deputy Commissioner or other person authorized to receive it at his office before B.P.M. on
(To be filled in by Denute, Commissioner or of
(To be filled in by Deputy Commissioner or other authorized person.)
CERTIFICATE OF DELIVERY.
Serial No,
This nomination paper was delivered to me at my office at (date and hour).
Date Signature of Deputy Commissioner or other authorized person
CERTIFICATE OF SCRUTINY.
(Rule 21 (2) ).
There scrutinged the alimitate services
I have scrutinized the eligibility of the candidate, the proposer and seconder, and find that they are respectively qualified to stand for election, to propose and to second the nomination, and I therefore accept the nomination,
I have constinued this
I have scrutinized this nomination and reject it for the following
Date Signature of officer scrutinizing the nomination

#### FORM V.

[Rule 30 (1).]

F	orm	of	Front	of	Ballot-Paper	,
---	-----	----	-------	----	--------------	---

Counterfoil.		Names of candidates.	Cross (X) for candidate for whom vote is recorded.
No•			
Name or number of polling station.		0	
Number of elector or	**************************************		
Signature or thumb impression of elector		000000	
		0000000	

Note.—The vote will be spoilt if a cross (X) is placed against the name of more than one candidate.

# Form of Back of Ballot-Paper.

Serial No.

## FORM VI.

(Rule 34.)

TENDERED VOTES LIST.

## FORM VII.

(Rule 35.)

# List of Challenged Votes.

Name of constituen-cy.	Number on electoral roll.	Name and address.	Signature of voter if literate, or thumb-impression of voter, if illiterate,	Name of identifier, if any.	Order of presiding officer (in each case)
				3	

# FORM VIII.

(Rule 48 (3).)

Ballot Account.

Constituency	<u> </u>		
Polling-station			
Municipality		-	

# Ballot-papers.

RECEIVED				Issued.			Unissued,		
Serial numbers.		Total.	Seric numbe	rs		Serial numbers.			
From	То	Total.	From	To To	otal.	From	То	Total.	

## BALLOT-PAPERS.

Total issued.	Total returned spoilt.	Balance total in ballot-box.		

# TENDERED BALLOT-PAPERS.

RECEIVED.				Issued.			Unissued.		
Serial numbers.		Total.	Serial numbers.			Serial numbers.			
From	To		From	To	Tctal.	From	Го		

# TENDERED BALLOT-PAPERS.

Total issued.	Total returned spoilt.	Balance total in parcel.			

Date\_\_\_\_\_

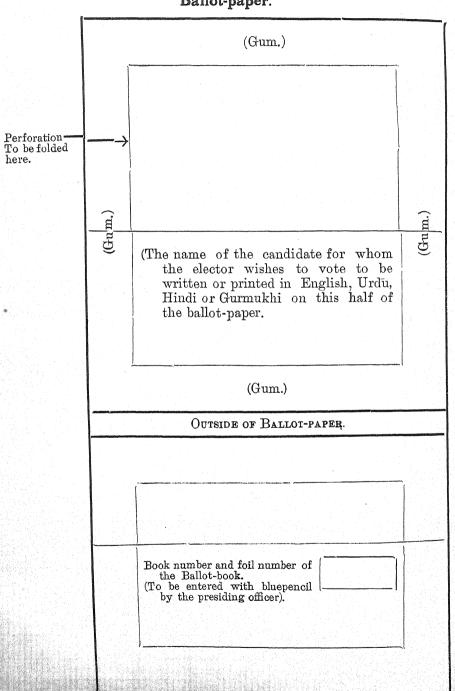
Signature\_

Presiding-Officer.

## FORM IX.

(Rule 54 (1). )

## Ballot-paper.



## FORM X.

[Rule 55 (2).]

## Ballot-Book.

	Ballot-Book.	
Book No		
Foil No.		
Number	on Electoral Roll	
	(Signature or thumb	-impression of elector.)
	FORM XI.	
	[Rule 66 (3).	<b>1</b>
	Ballot-Accour	
Municipalit	y	
	y	
Polling-Sta		
	${\it Ballot-Books}.$	
Book number.	Serial numbers used.	Total number of foils used.
	Tendered Ballot-I	Books.
Book number.	Serial numbers used.	Total number of foils used.
	Challenged Ballot	·Books.
Book number.	Serial numbers used.	Total number of foils used.
Date	<u> </u>	
	(Signat	cure of presiding-officer).

#### <sup>1</sup>II.—General.

General principles of administration approved by Government to be observed.

- 1. Every committee shall observe those general principles of which Government has approved in the several departments of administration.
- 2. Committees shall correspond with the Local Government and its officers only through the Deputy Commissioner, who will be guided by departmental rules in conducting such correspondence.
- 3. (1). In the case of the municipal committees of Simla, Dharmsala, Dalhousie and Murree, all business shall be transacted and proceedings recorded in the English Language, and all notices shall be issued in both English and Urdu.
- (2). In the case of all other municipal committees, business may be conducted in English or Urdu, but proceedings shall be recorded in the language in which business is transacted. Notices shall be issued in both English and Urdu unless the Commissioner of the Division directs that they shall be issued in Urdu only.
- Members not to take part in proceedings in which they or their relatives are pecuniarily interested.

  23A. No member of a committee shall be present at or vote or take any other part in any proceeding of a committee or sub-committee relating to a matter in which he or either of his parents or any other descendants of either of his parents or the husband or wife as may be of any such descendant has a direct or indirect pecuniary interest.
- Relations of members not to be employed by committees without the appointed as an officer or servant of such municipal committee without the previous sanction of the Deputy Commissioner.
- 4. An abstract of the minutes of each meeting of a committee shall be affixed in some conspicuous spot accessible to the public at the place of meeting of the committee and a copy of such abstract shall be supplied to the manager of every newspaper which is published within the limits of the district in which the municipality is situated.

Punjab Government Notification No. 13981, dated 16th July, 1918.
 Added by P. G. Notification No. 21197, dated 29th August, 1923.
 Added by P. G. Notification No. 25262, dated 13th November, 1925.

Note. - Vide section 30 (1) of the Act.

Publication of public committee in exercise of a power conferred or in discharge of an obligation imposed by the Punjab Municipal Act, 1911, or by any rule or bye-law made thereunder, such notice shall be published by proclamation, and a copy of such notice shall be affixed in some conspicuous spot accessible to the public at the place of meeting of the committee. A copy of such notice shall also be supplied to the manager of every newspaper which is published within the limits of the district in which the municipality is situated.

#### Note.—1. Vide section 218 of the Act.

- 2. A committee is empowered or required to issue public notices under sections 62, 64, 65, 66 (2), 103, 106, 107, 108, 109 (1) (b), 110 (b), 149 (a), 154, 159 (2), 168 (2), 171 (3) and 180 of the Act.
- Publication of proposals to impose any tax under section 61 of the Punjab Municipal Act, 1911, or to make bye-laws under any section of the said Act or any rules under any other Act under which a municipal committee is empowered to make rules, it shall give notice of its intention in the manner prescribed for the publication of public notices in rule 5.

Note.—Committees are empowered to make rules under the Hackney Carriages Act, 1879, the Vaccination Act, 1880 and the Indian Tramway Act, 1886.

- (2) When any such proposals are forwarded for sanction or confirmation to the appropriate authority, they shall be accompanied by a statement that the provisions of clause (1) of this rule have been complied with.
- Fees for notices under section 80 (2). The fee leviable for a notice of demand served under section 80 (2) of the Punjab Municipal Act, 1911, as later amended, shall be 4 annas for every notice so issued.
- 8. (1) Every committee shall, as soon as possible after the close of each official year, prepare in such forms submission of annual returns, statements and reports.

  Submission of annual as may, from time to time, be prescribed by the Local Government such returns as may from time to time be so prescribed with regard to the constitution of the committee and the accounts of its income, expenditure, balances and liabilities or any other matter, together with a

<sup>(1)</sup> Substituted by P. G. Notification No. 19677 dated 26th July, 1923.

report on the working of the committee in such form as may, from time to time, be so prescribed.

- (2) One copy of the returns as prepared shall be submitted direct to Government through the Deputy Commissioner by the 15th day of May in each year and a second copy shall be forwarded through the Deputy Commissioner to the Commissioner.
- (3) The annual report on the working of the committee shall be submitted to the Deputy Commissioner together with the copy of the returns forwarded for submission to the Commissioner.

Note.—For the forms of annual return, accounts and report on the working of committees which have been prescribed by Government, vide Part III.

- 9. (1) Rewards for the destruction of snakes within municipal limits shall be paid only on the order of the truction of snakes.

  Rewards for the destruction of snakes within municipal limits shall be paid only on the order of the president, a vice-president or the secretary of the committee.
- (2) Every committee shall maintain a register of rewards paid for the destruction of snakes in the following form:—

#### Register of rewards for snakes.

1	2	3	4	5
Number and description of snakes.	Name, caste and resi- dence of the payee.	Amount of reward paid.	Signature or thumb-mark of the payee.	Initial of officer ordering payment.

Note.—Vide Part III, Chapter III, section 2, para 83.

- 19-A. (1) No committee shall pay to any member travelling allowance on account of a journey undertaken on municipal business unless—
  - (a) in the case of a journey performed within the district in which the municipality is situated or of a journey to a

<sup>(1)</sup> Added by P. G. Notn. No. 13919, dated 2nd June 1925.

place outside such district the travelling allowence payable in respect of which does not exceed fifty rupees, the committee has passed a resolution sanctioning the undertaking of such journey, and

- (b) in the case of any other journey, the previous sanction of the Deputy Commissioner has been obtained for such journey to be undertaken.
- (2) The travelling allowance payable for a journey on municipal business undertaken by a member in accordance with the provisions of sub-rule (3) shall not exceed the amount of expenditure on travelling actually incurred by such member or the amount which would have been payable as travelling allowance on account of such journey had such member been a Government servant in an Imperial Service, whichever is less.]

1 \*\*\*\*

- 11.2 (1. A municipal committee, which, with the sanction of the Local Government has under section 52 (2)

  Grant of advances for purchase of motor car or motor cycles.

  (I) of the Punjab Municipal Act, 1911, declared the grant of advances for the purchase of a motor car or motor cycle to its employees to be an appropriate charge on the municipal fund, shall, so far as may be, grant such advances in accordance with the rules regulating and on the conditions laid down for the grant of such advances by Government to Government servants.
- (2) No municipal committee shall grant an advance for the purchase of a motor car or motor cycle to any of its employees without the previous sanction in each case of the Commissioner.
- Annuities, leave allowances, etc., of municipal employees not to exceed Government rates.

  Annuities, leave allowances, etc., of municipal employees not to exceed would be admissible under the rules which apply to an officer paid from general revenues.

# III.—The Management of Municipal Properties and of Provincial Properties under the control of Municipal Committee.

1 No land, the property of a municipal committee, shall be alienated permanently or for a term exceeding ten years except with the previous sanction of the Commissioner of the Division or in exercise

<sup>1.</sup> Published as a separate rule in P. G. Notn. No. 17912, dated £6th August 1907 No. 1686, dated 17th January 1921; cancelled by P. G. Notn. No. 24510, dated 26th September 1927.

Published as a separate rule in P. G. Notn. No. 7081, dated 8th March 1920.
 Published as a separate rule in P. G. Notn. No. 20708, dated 9th August 1922,

of powers specially conferred upon a committee by these rules or any other authority of the Local Government.

[¹Note.—The Commissioner should not sanction the alienation of any land for the purpose of building a factory without consulting the Director of Industries, Punjab, as to the conditions on which the sanction should be accorded.]

Note.—For special rules with regard to the sale of land in force in the municipalities of Dharmsala, Dalhousie, Murree and Simla, vide Appendix D. It should, however, be noted that in so far as those rules permit the committees of these hill municipalities to retain the whole of the proceeds of the sale of Government lands, they have been superseded by later orders, which are not reproduced as they are not of general interest.

- 2. (1) Every municipal committee in charge of nazul properties of Government shall maintain a register in [2 form 34 prescribed by rule 188 of the Punjab Municipal Account Code], and if the amount of such properties is large shall also maintain a large scale map with index showing the position of such properties.
- (2) No municipal committee shall lease nazul properties of

  Covernment in its charge for a term exceeding five years without the previous sanction of the Deputy Commissioner or for a term exceeding ten years without the previous sanction of the Commissioner.
- Government in its charge without the previous sanction should be submitted to Government through the Deputy Commissioner and Commissioner in the form appended to this rule, accompanied when necessary by a rough plan. When the sale has been completed the same statement should be re-submitted to Government, for confirmation of the sale, with the result of the sale detailed on the reverse: provided that if the property is sold by auction and the price realized is not less than 75 per cent. of the price accepted by Government when the proposals for sale were submitted for sanction, the sale may be confirmed by the Commissioner without further reference to Government.

Added by P. G. Notn. No. 7782, dated 12th March 1920.
 Substituted by P. G. Notn. No. 21286, dated 26th July 1926,

Statement of nazul property proposed to be sold in the—— Municipality.

Serial No. of the property in the nazul register.	Description, details, and situation of the property and how and when it became nazul.	Present income, if any, from the property.	Estimated present value of the property.	Reasons for which sale is proposed.	Special condition, if any, of the sale.	Remarks and reserve price proposed by Deputy Com- missioner.	Remarks and reserve price proposed by Commissioner.	Orders of Government.
						h.		

#### [Reverse.]

Statement of sale of nazul property forwarded for confirmation  $by \frac{the\ Commissioner.}{the\ Local\ Government}.$ 

Serial No. of the property in the nazul register.	Name of property (to correspond with the name given in column 2 on the reverse).	Hour, date and place of sale and name of officer who conducted the sale.	Names of bidders.	Amounts of bids.	Remarks of the Deputy Commissioner.	Remarks or orders of the Commissioner.	Orders of Government,
Serie	Nam Wi 2 2 2	Houngh	Nam	Amo	Rem	Rem	Orde

Note.—Rule 10 A in P. G. Consolidated Circular No. 27 lays down that in connection with proposals for the alienation of nazul properties information should be furnished on the following points:—

- (a) whether the proposed alienation is likely—
  - (i) to prove inconvenient or embarrassing at any time to Government or the local body concerned, or to the

public with particular reference to rights of way, ventilation, etc., or

- (ii) to have a prejudicial effect on any scheme of townplanning;
- (b) whether it is an absolute necessity;
- (c) whether it satisfies the statutory rules and instructions if any, issued by Government on the subject;
- (d) in the case of permanent alienations of properties other than consolidated plots of lease-hold property, why a lease has not been recommended;
- (e) what is the average market-value of such properties in the locality concerned, figures in respect of similar alienations during the preceding five years being given; and
- (f) in the event of a sale recommended to regularize an encroachment, what penal rate, if any, has been recommended to be charged, and if not (sic., i.e., if no penal rate has been recommended) why not
- 3. Every committee in charge of a staging bungalow shall be bound to observe the rules with regard to staging bungalows. Staging bungalows laid down in Punjab Government Consolidated Circular No. 28, paragraphs 15 and 16, and no committee shall charge any traveller a fee in excess of the scale permitted by paragraph 17 and rule 25 of paragraph 16 of the said circular.

Note.—For paragraphs 15 and 16 of P. G. Consolidated Circular No. 28, vide Appendix E.

4. (1) Every committee, to which any property of Government has been transferred for management shall keep a pro forma account of the income derived from such property including any grant received from Government in respect thereof and of the expenditure thereon, and shall be responsible for the annual repairs required for such property and for special repairs to the amount of the balance, if any, of income over expenditure since the property was transferred as shown in the pro forma account.

(2) No committee to whom any property of Government has been transferred for management shall cause any repairs or alterations to such property to be carried out in a style differing from that of the original work without the consent of the Local Government in the Public Works Department.

[(3) No committee in whom any land of Government vests or to whom any land of Government has been transferred for management shall cause or suffer any buildings of a permanent nature to be constructed on such land or shall cause or suffer such land to be diverted permanently for its existing use, without the consent of the Local Government.

#### IV.—Public Instruction.

Punjab Education Code binding on committees.

1. Every committee shall be bound by the rules contained in the Punjab Education Code for the time being in force so far as they apply to local bodies.

## <sup>1</sup>V—Dismissal of Municipal Employees.

- 1. In these rules "Dismissal" means permanent removal from Definition of dismissal.

  a substantive appointment for misconduct or incompetence; and includes discharge for misconduct under sub-section (1) of section 45 of the Act.
- 2. No officer or servant of a committee shall be dismissed except after an inquiry as provided in rule 3: provided that no such inquiry shall be necessary if the accused is absconding or if he is to be dismissed on facts or inferences based on the findings of a court.
- 3. A definite charge shall be framed in writing in respect of Procedure on disimssal. each offence alleged against the officer or servant sought to be dismissed. The charge shall be explained to the accused and the evidence in support of it and any evidence that the accused may adduce in his defence shall be recorded in his presence and his defence taken down in writing. Each of the charges framed shall be discussed and a finding shall be recorded on each charge.
- 4. An officer or servant dismissed by less than a two-thirds majority of all the members, from a substantive appointment carrying a salary of twenty-one rupees per mensem or more may, within thirty days from the date of the order of dismissal, appeal to the Commissioner, if he has been dismissed by a committee of the first class; or to the Deputy Commissioner if he has been dismissed by a committee of the second class unless the Deputy Commissioner is himself a member of such committee or the appointment in question is that of Secretary, Engineer or Medical Officer of Health, in which cases the appeal shall lie to the Commissioner:

Provided that nothing in this rule shall preclude a committee

Added by P. G. Notn. No. 3003, dated 23rd November, 1927.
 P. G. Notn. No. 4421, dated 17th February 1925.

from providing by resolution that appeals shall lie to itself from orders of dismissal passed by any authority to which the committee has delegated its powers under section 33 or section 34 of the Act. The orders of the committee on such appeals shall be deemed to be its original orders for appeal under this rule; but if the committee has not provided for an appeal, the orders of such authorty shall be deemed to be the orders of the committee for appeal under this rule:

Provided further that the appellate authority may, if it thinks fit, extend in any particular case the period allowed by this rule for the presentation of appeals.

- The order of the Commissioner or Deputy Commissioner, as the case may be, under rule 4 shall be Finality of orders on appeal.
- These rules shall not apply to officers or servants of Government on foreign service with a committee Savings. or to municipal watchmen; and nothing in these rules shall affect the powers conferred on the Deputy Commissioner and the Commissioner by sections 41 and 42 of the Act.

#### VI-Medical.\*

- [21. (a) When a committee proposes to construct a new or to alter, enlarge or close an existing hospital or dispensary, or to remove any hospital or dispensary from one locality to another, it shall first consult the Inspector-General of Civil Hospitals through the usual channel of correspondence stating whether or not the said hospital or dispensary is to be, or has been, constructed or maintained, wholly or partially with a grant from Government.
- (b) When the hospital or dispensary is to be, or has been constructed and maintained without any grant from Government, the final decision as to the construction, alteration, closure or removal shall after consultation with the Inspector-General of Civil Hospitals rest with the local body concerned.
- (c) When the hospital or dispensary is to be, or has been, constructed or maintained wholly or partly with a grant from Government, the decision aforesaid shall rest with the Inspector-General of Civil Hospitals, who shall also countersign the plans and estimates of new projects or alterations or additions to existing projects. If the Inspector-General disallows the application of a committee under this sub-rule he shall submit his decision for confirmation to the Local Government.

<sup>\*</sup>Note.—The rules as printed here have been brought up to date by the omission of references to the Frontier and the substitution of "Sub-Assistant Surgeon" for "Hospital Assistant." References to District Boards and Committees which appear in the original rules have also been omitted.

1. P. G. Notn. No. 32?, dated 11th May, 1886.

2. Substituted by P. G. Notification No. 2721, dated 25th January 1924.

Proviso.—Nothing in this rule shall affect any rule prescribed for the regulation of the public works of committees,]

#### Administration and Control.

- 2. The following shall be visitors of hospitals and dispensaries:—
  - (1) For the Province—the Lieutenant-Governor, Secretaries to Government, the Financial Commissioners, and any other person appointed by the Local Government.
  - (2) For Divisions—Commissioners and any persons appointed by them.
  - (3) For Districts—Deputy Commissioners, Magistrates not being below the rank of Extra Assistant Commissioner, and any persons appointed by Deputy Commissioners.
  - (4) For Municipalities—Presidents and Vice-Presidents of municipal committees.
- 3 (1) Except when otherswise ordered by the Local Government, the control of hospitals and dispensaries situated within the limits of a municipality shall vest in the municipal committee.
- (2) The management of hospitals and dispensaries shall vest in the Civil Surgeon.
- (3) Every hospital shall be in charge of an Assistant Surgeon, and every dispensary shall be in charge of an Assistant Surgeon or of a Sub-Assistant Surgeon.
- 4. Municipal committees shall make such arrangements as shall enable the Civil Surgeon to obtain all information necessary for the purposes of any reports, returns and information which the Inspector-General of Civil Hospitals may call for by general or special order.
- 5. Servants, i.e., below the rank of Sub-Assistant Surgeon, may be appointed and dismissed by the Civil Surgeon.
- 6. The officer in charge of a hospital or dispensary must be present at the hospital or dispensary daily at the following times:—

<sup>1</sup>From April to October inclusive ... from 7 to 11 A.M.

From November to March inclusive ... from 8 A.M. to 1 P. M.

He must also visit the hospital or dispensary in the evening and must give attention to urgent cases at such other times as may be necessary.

<sup>1.</sup> P. G. No. 329, dated 7th April 1906,

7. Subject to the orders of the Local Government, the Inspector-General of Civil Hospitals shall have control over hospitals and dispensaries; and the appointment, removal and transfer of Assistant Surgeons and Sub-Assistant Surgeons in charge of hospitals and dispensaries shall rest with him. In posting Assistant Surgeons and Sub-Assistant Surgeons to the charge of local hospitals and dispensaries the Inspector-General shall, as far as circumstances permit, take into consideration the wishes and financial resources of municipal committees.

#### Finance.

- <sup>1</sup>S. (1) All contributions except private subscriptions and donations towards a local hospital or dispensary received by the municipal committee having the management of that hospital or dispensary, whether from other local bodies or from provincial funds, shall continue as heretofore to be credited to the municipal found and not to any separate fund, and all expenditure on the hospital or dispensary shall be paid from the municipal fund; but the municipal committee shall open and maintain for the hospital or dispensary an account as next hereinafter provided.
- (2) The account referred to in clause (1) shall be kept in the following manner:—
  - (a) On the credit side there shall be entered—
    - (1) the amount allotted to the hospital or dispensary by the local body during the year,
    - (2) from time to time, as they may be paid into or credited to the municipal fund, the amounts of all contributions to the hospital or dispensary received from other local bodies, or from provincial funds, and all amounts realized by the sale of securities or other property appertaining to the hospital or dispensary, by the sale of medicines or otherwise on account of the hospital or dispensary.
  - (b) On the debit side there shall be entered from time to time, as they are disbursed from the municipal fund, all sums expended on the hospital or dispensary.
- (3) On the 31st day of March in each year the balance of the account shall be struck and the amount to credit or debit, as the case may be, shall be carried forward to the account of the following year.
- 9. (1) For private subscriptions or donations, a subscription book shall be maintained in the form A annexed. Each subscription, or promise of a subscription, and the object for which it is given, shall be

<sup>1.</sup> P. G. Notn. No. 538 dated 9th June 1939.

entered in this book against the name of the subscriber, and the book should be circulated to the subscribers for the collection of the money. The amount paid by the subscriber, together with his signature and date of payment, shall be entered by him in columns 8 and 9 at the time of payment. The subscription book shall be closed once a month and shall be totalled and signed once a month by the medical officer in charge of the hospital or dispensary. The latter shall remit the money intact into the treasury to the account of the local fund maintaining the hospital or dispensary.

(2) Private subscriptions and donations shall be at the disposal of the Civil Surgeon of the district for expenditure on the hospital or dispensary concerned subject to the observance of such conditions, if any, as may be imposed by the donors. The officer in charge of the hospital or dispensary shall maintain a subscription ledger in form B annexed which shall be balanced monthly, the sum at credit at the end of the month being carried forward as an opening balance to the following month's account. The total receipts and expenditure and the balance shall be reported monthly to the local body concerned and the Civil Surgeon. When it is desired to utilize the subscriptions, the Civil Surgeon shall forward a demand statement to the office of the local fund concerned and if the accounts in the Local fund office show that the proposed expenditure does not exceed the total amount of contributions at credit of the hospital or dispensary, the demand shall be forthwith passed and remitted to the Civil Surgeon.

'Note.—The monthly balance struck in the ledger shall show separately the sums available for each special object for which subscriptions have been received, and these particulars should also be shown in the monthly statement of receipts, expenditure and balances sent to the local body concerned and the Civil Surgeon.

Norm.—Cash subscriptions only are to be entered in this register. A separate list is to be kept of other than cash donations.

\_\_\_\_\_ Dispensary for the month of

s'reoñ	No and date of Treasury Off	12	
	Mo. and date of chalan reminerated the treasure.	11	
lo et	Signature of payer and dar	10	
The state of the s	smus qmul ni bisq tanomA	6	
	Amount paid.	8	
HONS.	Total due.	7	
Monthly subscriptions.	Due on account of current month.	9	
Монтн	Due on account of previous	5	
	noitqripedus to ets.	4	
Name of subscriber.			
noidq	Object for which the subscription is given.		
	oN Isine?	H	

FORM B.

Dispensary Subscription Ledger.

District

		1	
	Total.	12	Rs. A. P.
<b>.</b>	3anow <b>y</b>	11	Ks. A. P.
Exp rnditure.	Serial No. and date of	10	
Exi	No. and date of cheque.	6	
	Particulars of charges and to whom paid,	∞ (	
	Month and date.	L	
	.fstoT	9	BS, A. P.
	·3unom <b>y</b>	ဌ	Bs. A. P.
RECEIPTS.	Serial No. of entry in subscription book.	4	
REC	Name of subscriber and doing do	ന	
	No. and date of treasury receipt.	2	
	Month and date.	<b></b>	

10. Investments (Government Promissory Notes) belonging to hospitals and dispensaries shall be dealt with by the Accountant-General under standing orders on this behalf. No investment at present standing at the credit of a hospital or dispensary shall be sold without the previous sanction of the Local Government which will be given only in the event of the money being required for new buildings or extensive repairs to existing buildings.

#### Medicines and Medical attendance.

11. European medicines and medical instruments shall be obtained in accordance with such instructions as may be issued on this behalf by the Inspector-General under the orders of Government.

The indents shall be scrutinized and countersigned by the Inspector-General, to whom they should be submitted by the Civil Surgeon through the municipal committee.\*

- Notification No. 191, for daily use. All poisonous drugs shall be kept separate in an almirah under lock and key. The medical subordinate in charge of the dispensary is solely responsible for the safe custody of poisonous drugs and for the accuracy with which they are dispensed, and the key of the almirah must remain in his possession, and prescriptions containing any poison must either be dispensed by him or under his immediate supervision. The usual poison label must be attached to every receptacle containing poison and also to the almirah in which they are kept. The rules regarding the custody and dispensing of poisonous drugs issued with the Circular No. 38, dated 9th July, 1878, from the Surgeon-General with the Government of India, must be hung in a conspicuous place in the room in which medicines are dispensed.
- 13. Medicines shall be supplied gratuitously from all hospitals and dispensaries in the following cases and no others:—
  - (1) To persons applying for them personally at the hospital or dispensary as in-door or out-door patients.
  - (2) To the very poor who are unable to attend as out-door patients and cannot be accommodated as in-door patients.
  - (3) To officers and clerks of Government and their families, who, under standing orders, may be entitled to medicines free of charge.

<sup>\*</sup>Note.—Though this rule has not been altered, the scrutiny and countersignature of indents by the Inspector-General of Civil Hospitals has, as a matter of fact, been done away with, vide Punjab Medical Manual, para. 314, as amended by correction slip No. 142, dated 10th August 1916.

- 14. Medical aid must not be refused to any person seeking it at the hospital or dispensary, and shall be given free of charge to all so seeking it.
- 15. Government officers and clerks (including their families), if entitled to gratuitous medical attendance under orders of Government, shall, in places where a special officer is not provided for the purpose, receive gratuitous attendance from the Officer in charge of the hospital or dispensary. Officers in charge of hospitals or dispensaries are not required to attend gratuitously any other person at his own house.

#### Miscellaneous.

- 16. No Medical Officer in charge of or attached to a hospital or dispensary shall have any interest in a private hospital or dispensary or druggist's shop.
- 17. There shall be maintained in each hospital and dispensary—
  - (1) an account of its contingent expenditure;
  - (2) an account of all sums received in it and paid into the treasury on account of—
    - (a) private subscriptions and donations;
    - (b) grants from Government or from municipal funds;
    - (c) sale-proceeds of medicines, and annual family contributions for medicines;
    - (d) Miscellaneous receipts;
  - (3) acquittance rolls of the salaries paid to all establishments;
  - (4) such statistical and other registers of the work of the hospital or dispensary as the Inspector-General may, from time to time order;
  - (5) a stock book of all moveable property in the hospital or dispensary;
  - (6) a book of receipts and issues of medicines, and a stock book of instruments; and
  - (7) a visitors' book for the remarks of visitors.
- 18. A copy of account (2) prescribed in the preceding rule, for each month, shall be forwarded to the Civil Surgeon, who shall forward it to the municipal committee concerned for information.

A copy of the remarks in the visitors' book shall be forwarded on the day of entry to the Civil Surgeon, who will transmit it to the Inspector-General within three days of receipt.

Note.—Every visitor should invariablty enter his name and the date of his visit in the visitors' book even if he has no remarks to make.

- 19. All accounts and records prescribed by these rules shall be maintained by the officer in charge under the orders of the Civil Surgeon. In any case in which this is not properly done, the reason should be stated in the inspection report of the Civil Surgeon.
- 20. In hospitals and dispensaries where there are in-patients a bed-head ticket in the prescribed form should hang over the bed of each partient.

#### B.—AIDED HOSPITALS AND DISPENSARIES.

- 21. With a view to stimulate local effort in providing medical relief, grants-in-aid may be given from municipal funds to private charitable hospitals and dispensaries and hospitals and dispensaries of charitable and religious societies.
- 22. Grants-in-aid will neither be given nor withheld on the ground of religious teaching being combined with medical relief.
  - 23. The conditions on which grants-in-aid will be given are—
    - (1) that the hospital or dispensary is under competent management and administration, and that the medical treatment given is efficient;
    - (2) that the institution is stable in character;
    - (3) that it supplies a distinct want which cannot be sufficiently met by existing hospitals and dispensaries;
    - (4) that the hospital or dispensary building is suitable for the purpose;
    - (5) that the hospital or dipensary and its records are open at all reasonable times to the inspection of the Civil Surgeon, the Inspector-General, and all visitors of Government hospitals and dispensaries;
    - (6) that such information and returns are submitted as the Inspector General may from time to time prescribe, or the Civil Surgeon may require for the purpose of his annual report.

24. Grants in-aid will in no case exceed 50 per cent. and will not ordinarily exceed 25 per cent. of the cost of establishment and contingencies for hospitals and for the respective grades of the dispensaries according to the sanctioned schedules for Government dispensaries, that is to say, the maximum grants will ordinarily be for dispensaries of the—

	Rs.
1st Grade	70 per mensem.
2nd ,,	55 ,, ,,
3rd ,,	22 ,, ,,

- 25. Grants-in-aid when sanctioned will usually take effect from the 1st of April ensuing. Applications should be made in the form C. attached to these rules, and should reach the municipal committee by 1st October. Applications received after that date cannot, as a rule, be provided for in the budget of the following year.
- 26. Unless there is special reason to reduce or cancel them, grants-in-aid once made will be continued for five years. They will not be increased during that period, and on the expiry of it they may be re-granted, increased, reduced or entirely withdrawn.

Subject, when necessary, to the final decision of the Inspector-General, grants in-aid may be reduced or cancelled within the above period if the conditions on which they were originally granted are not fulfilled.

In other cases the special order of the Local Government is necessary before a grant can be reduced or cancelled.

27. Before a grant is reduced for violation of conditions or breach of rules, an inquiry, at which the Managers of the dispensary shall be allowed full opportunity of explanation, shall be made by the Civil Surgeon, the result of which shall be communicated to the Managers.

If the defects are capable of immediate and early removal, the Managers shall, on the first occasion of default, be allowed a reasonable time, to be fixed by the Civil Surgeon, to remedy them; and, if they are remedied, the grant shall not be reduced or cancelled.

28. Grants-in-aid may be made from municipal funds for the building of hospitals and dispensaries. The details of such grants will be settled as individual cases arise. Ordinarily the same principles will apply as govern building grants-in-aid to schools.

#### FORM C.

Application by* to the Municipal Committee for a grant-in-aid from municipal funds on behalf of a dispensary to be established at	of
dispensary to be established at in the	district.

Name and class of proposed hospital or dispensary.	Population of neighbourhood within a radius of 6 miles from proposed hospital or dispensary	Name of existing hospitals or dispensaries, if any, within that radius.	Estimated monthly expenditure of proposed hospital or dispensary.	Amount of estimated monthly expenditure already provided from (1) private subscriptions† and (2) Municipal or District funds.	Grounds for supposing private subscriptions will be permanent.	Amount of each grant or other form of grant required,	Medical qualifications of officer in charge.	Particulars as to health of locality, if available.	GENERAL REMARKS.
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<sup>\*</sup>The private person, charitable or religious society, as the case may be. †Private subscriptions include in the case of a charitable or religious society the funds of the society.

# Signature of applicant,

Note.—The application should be accompanied by a block plan of buildings in which the dispensary or hospital and its out-offices are to be accommodated.

# <sup>1</sup>Employment and pay of Compounders.

29. I [2 No committee shall employ or continue to employ any person as a dispenser in any hospital or dispensary unless he has undergone a course of three months' training at a hospital at the

P. G. Notn. No. 17798, dated 24th June, 1921.
 Inserted by P. G. Notn. No. 17303, dated 18th June, 1927.

headquarters of a district [¹or such other hospital as may be declared by Government to be a hospital at which such training may be undergone] and has obtained a certificate from the Civil Surgeon certifying that he is fit for employment as a dispenser:

Provided that any person who at the time when this rule comes into force is employed as a dispenser may be retained in such employment for a period of one year from such date, but shall not be retained in employment as a dispenser thereafter unless he has, in the meantime, undergone the course of training and obtained the certificate prescribed above or is certified by the Civil Surgeon to be fit for employment as a dispenser without undergoing such course of training.]

Note.—The Mathra Das hospital at Moga was declared to be a hospital at which training might be undergone in P. G. Notn. No. 18519, dated 21st May, 1929.

- 30. [2I-A.] A probationer on appointment to a dispensary shall receive pay at the rate of Rs. 20 per mensem and shall continue to draw the same rate of pay during the first year of service. He must be not less than 16 and not more than 25 years of age, and able to read and write English. Men unqualified in English should not be recruited.
- 31. II. After one year's service in the grade of probationer (provided he shall have given satisfaction by his conduct and acquirements) the probationer shall be entitled to be promoted, without the sanction of the Inspector-General of Civil Hospitals, to the class of 5th grade compounder and to a salary of Rs. 25 per mensem. Compounders already in service who are unqualified in English will receive Rs. 20 per mensem.
- 32. III. After four years' approved service in the 5th grade a compounder shall be entitled with the sanction of the Inspector-General of Civil Hospitals, to promotion to the 4th grade and to a salary of Rs. 30 per mensem: 3rd grade compounders already in service who are unqualified in English will receive pay at the rate of Rs. 25 per mensem.
- 33. IV. No compounder already in service who is not qualified in English shall be entitled to promotion beyond the 4th grade, nor to an increase of pay beyond Rs. 25 per mensem.
- 34. V. On the completion of five years' approved service in the 4th grade, and on passing an examination, a compounder shall be entitled to promotion, with the sanction of the Inspector-General of Civil Hospitals, to the 3rd grade and to a salary of Rs. 35 per mensem.

Inserted by P. G. Notn. No. 13563, dated 9th April, 1929.
 Re-numbered by P. G. Notn. No. 17306, dated 1 8th June, 1927.

- On the completion of five years' approved service 35. VI. in the 3rd grade a compounder shall be entitled to promotion, on passing an examination, with the sanction of the Inspector-General of Civil Hospitals, to the 2nd grade and to a salary of Rs. 40 per mensem.
- VII. On completion of five years' approved service in the 2nd grade a compounder will be entitled to promotion, with the sanction of the Inspector-General of Civil Hospitals, to the first grade and to a salary of Rs. 50 per mensem.
- 37. VIII. The cadre in each district should be such that one compounder may always be on leave.
- Note 1.—The above rule will also apply in future to compounders employed in Government Hospitals and Dispensaries.
- Note 2.—The 5th, 4th, 3rd and 2nd grades correspond to the existing 4th, 3rd, 2nd and 1st, respectively. The 1st grade is a new addition.

The restrictions contained in paragraphs 3 (2) (b) of Punjab Government communique dated the 27th January 1921 will not apply in the case of compounders.

### <sup>1</sup> Employment of Hakims and Vaids.

- No person calling himself hakim or vaid shall be employed by a committee unless he-
  - [²(a) has passed one of the following examinations:
    - (i) the Hakim-i-Haziq of the Islamia College, Lahore;
    - (ii) the Zubdat-ul-Hukama of the Islamia College, Lahore;
    - (iii) the Kaviraj of the D. A.-V. College, Lahore;
    - (iv) the Vaidya Vachaspati of the D. A.-V. College, Lahore;
    - (v) the Unani (Arabic) final Fazil i-Tib-o-Jirahat of the Ayurvedic and Unani Tibbi College, Delhi;
    - (vi) the Unani (Urdu) final Kamil-i-Tib-o-Jirahat of the Ayurvedic and Unani Tibbi College, Delhi;
    - (vii) the Vedic (Sanskrit) final Ayurvedacharya Dhanvantris of the Ayurvedic and Unani Tibbi College, Delhi;
    - (viii) the Vedic (Bhasha) final Bhishagacharya Dhanvantris of the Ayurvedic and Unani Tibbi College, Delhi;][3\*\*\*]

Published as separate rules in P. G. Notn. No. 21173, dated 28th August 1923; No. 23405, dated 5th October, 1923.
Substituted by P. G. Notn. No. 27527, dated 6th December 1924.
Omitted by P. G. Notn. No. 4469, dated 7th February, 1928.

- $[^{!}(ix)]$  the Haziq-ul-Hukma of the Bhupindra Tibbia College, Patiala;
  - (x) the Tabib-i-Akmal of the Bhupindra Tilbia College, Patiala,] $^{2}$ [or]
- (b) is a registered medical practitioner not being in or having been dismissed from the service of Government; or
- (c) has a diploma showing that he has been the pupil of a practising hakim or vaid and has himself continuously and satisfactorily practised the profession for not less than 7 years, [2 or]
- [2(d) is a sanad-holder of the Takmil-ut-Tib College, Lucknow.]
- 39. Except with the previous sanction of Government no hakim or vaid shall be paid a remuneration exceeding Rs 50 per mensem if he is employed under Rule 36 (a) or (b) or more than Rs. 25 per mensem if he is employed under Rule 36 (c).
- 40. A committee may supplement the remuneration given to a *hakim* or *vaid* under Rule 37 by the supply of medicines either free or on commission sale.
- 41. Every hakim or vaid employed by a committee shall keep a register of patients and the Commissioner of the division or the Deputy Commissioner or Civil Surgeon of the district or the President or Secretary or any other person authorised to this effect by the committee concerned may call for and inspect such register.

#### <sup>3</sup>VII.—Employment of Medical, Assistant Medical and Female Assistant Medical Officers of Health.

1. For the purposes of these Rules the expression "the British Medical Acts" has the meaning assigned to it in section 3 of the Punjab Medical Registration Act, 1916.

Note.—"The British Medical Acts" is defined in section 3 of the Punjab Medical Registration Act, 1916 as meaning Statutes 21 and 22 Victoria, Chapter 90 (The Medical Act) and any Act amending the same.

- 2. Unless specially exempted by the Local Government the committees of Lahore, Amritsar, Multan, Ferozepore, Ambala, Rawalpindi, Sialkot, Ludhiana and Jullundur shall each employ at least one Medical Officer of Health.
- 3, Except as provided in Rule 4 no committee shall appoint to or retain in the post of Medical Officer of Health or Assistant Medical Officer of Health any person who does not possess—

Inserted by P. G. Notn. No. 21566, dated 15th August 1927.
 Inserted by P. G. Notn. No. 4469, dated 7th February, 1928.
 P. G. Notn. No. 29194, dated 27th December, 1924.

(a) a degree or diploma entitling him to be registered under the Punjab Medical Registration Act, 1916, or the British Medical Acts, and

(b) a qualification in Public Health entitling him to be registered under the British Medical Acts or granted by a

recognised Indian University.

- 4. No committee shall appoint to or retain in the post of Female Assistant Medical Officer of Health any person who does not possess the diploma of M. P. L. or an equivalent or higher diploma and is not registered under the Punjab Medical Registration Act, 1916.
- 5. The pay of a Medical Officer of Health or Assistant Medical Officer of Health shall not exceed Rs. 1,000 per mensem; provided that a committee may grant a conveyance allowance in addition to the pay prescribed.
- ¹Note.—Provided funds are available the Local Government will ordinarily give a grant-in-aid not exceeding 50 per cent. of the pay to every committee employing a Medical Officer of Health or an Assistant Medical Officer of Health of either sex, provided that the committee agrees—
- (1) that the appointment, punishment and dismissal of such Medical Officer of Health or Assistant Medical Officers of Health shall be subject to the previous approval of the Local Government;
- (2) that the amount of the pay shall be fixed with the approval of the Local Government and shall be not less in the case of a Female Assistant Medical Officer of Health than Rs. 150 per mensem and in the case of any other such officer than Rs. 300 per mensem;
- (3) that leave for more than 15 days shall not be granted to any such officer until the arrangements for carrying on his work are approved by the Director of Public Health, Punjab;
- . (4) that such officer shall act under the general supervision and guidance of the Director of Public Health in technical matters and shall submit to him such reports and returns as he may prescribe,
- [2(5) that such officer shall not be permitted to engage in private practice or medico-legal work, or to undertake the medical examination of persons on behalf of insurance or other companies;
- (6) that such officer shall not accept, for professional services or expert advice, fees which have not been granted by a Judicial Court
- 1. This note was ap ended to the rules as published for convenience of reference and it was stated that it should not be deemed to be a part of the rules.

  2 Added by P. G. Notn. No. 17456, dated 29th May 1928.

unless the previous sanction of the Director of Public Health, Punjab been obtained ]

#### VIII.—Employment of Sanitary Inspectors.

- 1. The minimum staff of sanitary inspectors that shall be employed by any municipality on or after the 1st July 1917 is as prescribed in the following rules: provided that nothing in the rules all be construed to forbid the employment by any municipality of the prescribed staff or of a staff in excess thereof at any previous date.
- 2. For the purpose of these rules municipalities shall be classified by the Local Government in two classes as follows:—
  - Class I.- Comprising municipalities with a population of 40,000 or more.
  - Class II.—Comprising municipalities other than those comprised in class I of which the population is 10,000 or more, and of which the annual income, exclusive of grants from Government, is ordinarily not less than Rs. 20,000: provided that the Local Government may for special reasons include within class II any other municipality.

The Local Government hereby declares that the municipalities mentioned in Appendix A to these rules belong to the classes to which they are respectively assigned therein: provided that the Local Government may at any time transfer a municipality from one class to the other.

- 3. In any municipality belonging to class I at least two sanitary inspectors shall be employed.
- 4. In any municipality belonging to class II at least one sanitary inspector shall be employed.
- 5. From and after the 1st July 1917 no municipal committee shall appoint to, or retain in, the post of sanitary inspector any person who does not hold one or other of the following qualification certificates:—
  - (1) The Punjab Sanitary Inspectors' certificate;
  - (2) The Bombay Sanitary Surveyors' certificate;
  - (3) The Madras Sanitary Inspectors' certificate;
  - (4) Certificate from the Royal Sanitary Institute, London;
  - (5) Certificate from the Sanitary Inspectors' Association, London;

<sup>1.</sup> P. G. Notn. No. 259, dated 21st April 1915.

and who is not entered on the list of approved sanitary inspectors and approved candidate for the post of sanitary inspector kept by the Sanitary Commissioner to Government, Punjab.

Note. - Candidates for the post of sanitary inspector must have passed the University Matriculation or School Final Examination, and must produce the usual certificates of physical fitness and good charac-These educational qualifications are not however required in the case of British Indian non-commissioned officers or of sanitary employes of municipal committees who at the time when the rule were published were drawing Rs. 30 per mensem or over.

<sup>1</sup>5-A The committee of any municipality specified in class I of Appendix A may appoint one cr more Chief Sanitary Inspectors provided that no such Inspector shall be appointed unless he has passed the prescribed examination qualifying junior Sanitary Inspectors for promotion to the senior grade:

2(Provided further that the provisions of this rule shall not apply in the case of an official who was in the employ of a committee as Chief Sanitary Inspector on the 30th March 1928.)

The course of training, of which full details are given in Appendix G, extends to 6 months and includes a course of lectures by a Deputy Sanitary Commissioner on public health, a series of practical demonstrations in municipal hygiene with special reference to the provisions of the Punjab Municipal Act given by the Health Officer of Lahore, and a course of minor sanitary engineering given by the Assistant Sanitary Engineer. The classes are held in Lahore examination is conducted under the orders of the Sanitary Commissioner. The fee for the course of training is Rs. 75 and for the examination Rs. 25.

The pay of Sanitary and Chief Sanitary Inspectors shall be as follows :-

Appointments.	Class	Scale of pay per mensem.
Sanitary Inspector Do. Chief Sanitary Inspector.	Ist grade. 2nd grade	Rs. 100-5-150 ,, 50-4-90 Such pay in excess of Rs. 150 per mensem as the committee may direct.

Provided that a committee may grant a conveyance allowance in addition to pay.

<sup>1.</sup> Inserted by P. G. Notn. No. 11312, dated 30th March 1928; No. 16164, dated

<sup>10</sup>th May 1928. Substituted by P. G. Notn. No. 27766, dated 4th September 1929. Substituted by P. G. Notn. No. 11312, dated 30th March, 1928.

- Note.—With reference to this rule it has been laid down that a sanitary inspector who is transferred from one municipality to another may, if the committee concerned agrees, be given the benefit of his service under the former committee for the purpose of increments—vide P. G. Resolution No. 430, dated 25th May 1914
- 7. No municipal committee shall employ a sanitary inspector appointed under the preceding rules on work other than sanitation, mortuary registration and the prevention of encroachments on public property, except by special permission of the Sanitary Commissioner.
- diary in which all sanitary reports and recon mendations shall be entered daily in chronological sequence, and to submit such diaries to the Health Officer of the committee, or when no Health Officer has been appointed to the secretary or such other officer as may be decided by the committee, who after making his remarks therein will forward them to the President for orders: Provided that if on any occasion a special report is submitted by an inspector he may, instead of entering such report in extenso in his diary, be required to enter therein a portion of such report and the order, if any, passed thereon at the appropriate place, having regard to the time and date when such report was submitted and such order received
- (2) The diaries of sanitary inspectors shall be produced for inspection when so required by the Director of Public Health or the Assistant Director of Public Health.
- (3) In towns where no health officer has been appointed each sanitary inspector shall, if required by the Assistant Director of Public Health so to do, submit a copy of his weekly diary, together with a copy of any orders passed thereon by the president, to the District Medical Officer of Health, for his remarks and recommendations.
- 9. The appointment and dismissal of a sanitary inspector <sup>2</sup> or Chief Sanitary Inspector by a municipal committee shall be subject to the approval of the Commissioner. In other respects sanitary inspectors <sup>2</sup> and Chief Sanitary Inspectors shall be under the control of the bodies which employ them.
- [310. The Sanitary Commissioner is empowered to remove from the list referred to in rule 5 the name of any sanitary inspector or approved candidate for the post of sanitary inspector who is proved to have misbehaved himself, and may cancel or suspend the certificate of any such sanitary inspector according to the gravity of his offence

Substituted by P. G. Notn. No. 22893, dated 30th July, 1930.
 Inserted by P. G. Notn. No. 11312, dated 30th March 1928; No. 16164, dated
 May 1928.
 Added by P. G. Notn. No. 16, Sanitary 1, dated 19th January 1916.

#### APPENDIX A.

#### Class I.

Lahore. Amritsar. Multan.

Jullundur. Ludhiana.

Hansi.

Chiniot.

Kaithal

Sialkot. Rawalpindi.

Jandiala.

Khushab.

Kartarpur.

#### Class 11

Bhiwani. Guiranwala. Batala. Panipat. Jhang-Maghiana. Kasur. Rewari. Ferozepore. Ambala. Karnal. Rohtak Lyallpur Gujrat. Hissar. Wazirabad. Hoshiarpur. Dera Ghazi Khan. Bhera. Jagraon. Sirsa.

Jhelum. Jagadhri. Sonepat. Fazilka Pind Dadan Khan. Hazro. <sup>1</sup>Abohar. Bahadurgarh. Beri Chunian. Dalhousie. Dinga. Eminabad. Gohana. Goira. Gurdaspur.

Kunjah. Leiah. Mianwali. Moga. Montgomery. Muktsar. Musaffargarh. Narowal. Palwal. Pasrur. Pathankot. Pindighep. Raikot. Sahiwal. Shujabad. Urmar Tandal.

## IX2.—The Municipal Works Rules, 1925.

Short title and commencement.

1. (a) These rules may be called the Municipal Works Rules, [31925].

- They shall come into force on the 6th day of March, 1925.
- In these rules, unless a different intention appears from the subject or context, the expression-Definitions.
  - "The Act" means the Punjab Municipal Act, 1911.
  - "Sanitary Board" means the Sanitary Board of the Punjab for the time being constituted under the orders of the Local Government.

Added by P. G. Notification No. 25910, dated 10th September, 1928.
 Added by P. G. Notification No. 5690, dated 4th March, 1-25.
 Added by P. G. Notification No. 12159, dated 19th April, 1927.

### Part II] THE MUNICIPAL ELECTION RULES, 1930

- (c) "Sanitary Engineer" means the Engineer appointed by the Local Government to the Sanitary Board, and includes an Engineer for the time being discharging the duties of that officer.
- (d) "Sanitary projects" and "Sanitary works" respectively, include all projects and works—
  - (i) connected with the collection, storage, protection, supply, distribution and regulation of water for drinking and flushing;
  - (ii) connected with drainage, sewerage or the utilization of sewerage;
  - (iii) connected with the regulation of the sanitation of streets, slaughter houses, markets, lodging houses, serais, bathing ghats and other public places; or
  - (iv) subsidiary to or connected with or relating to the construction and maintenance of water and flood and drainage channels and sewers and street gutters;
- (e) "Administrative approval" means a pronouncement by the authority empowered by these rules that a projected work is suitable and desirable.
- (f) "Technical sanction" means the sanction of the authority empowered by these rules to the detailed plans and estimates of a projected work.
- (g) "Electricity Board" means the Punjab Electricity Board appointed by the Local Government by resolution No. 1566-G., the 26th May, 1922, or for the time being constituted under the orders of the Local Government.
- (h) "Electrical Engineer" means an Engineer appointed by the Local Government to discharge the duties of Electrical Engineer and Electric Inspector under its authority.
- (i) "Electrical works" and "Electrical projects" include all works and projects for the generation, distribution or utilization of electrical energy for any purpose except the transmission of a message.
- 3. For the purposes of these rules every committee shall be deemed to belong to the class notified under sub-section (6) of section 4 of the Act: provided that for the purpose of the grant of technical sanction the Local Government shall have power after consulting the committee to reduce a first class municipal committee to the second class in the event of its entertaining an inadequate engineering staff.

4. (1) No original work shall be undertaken by a first class committee if it involves an expenditure of Rs. 30,000 or more, or by a second class committee if it involves an expenditure of Rs. 15,000 or more without the administrative approval of

higher authority.

- (2) If the proposed expenditure exceeds Rs. 50,000 in the case of sanitary work the administrative approval of the Sanitary Board and in the case of other works that of Government in the Local Self-Government Department shall be obtained: [¹if the proposed expenditure is Rs. 50,000 or less the higher authority whose administrative approval is required under sub-rule (1) shall be the Commissioner.]
- (3) Before according such administrative approval the authority concerned shall satisfy itself by a reference to Government in the Local Self-Government Department or otherwise, that—
  - (a) funds for the execution of the work are likely to be forthcoming within the next two years, and
  - (b) funds to an amount approved by the authority according technical sanction are likely to be forthcoming annually for maintenance after completion of the work.
- 5. (1) In cases other than those provided for by rules 4 and 9 no original work shall be undertaken by a committee until administrative approval has been accorded to the work by formal resolution of the committee.
- (2) No committee shall accord administrative approval to an original work unless such rough estimates and plans have been submitted to it as may be required by the authority whose technical sanction to the work is necessary under these rules.
- (3) Before according such administrative approval the committee shall satisfy itself that—
  - (a) funds for the execution of the work are likely to be forthcoming within the next two years, and
    - (b) funds to an amount approved by the authority according technical sanction are likely to be forthcoming for annually maintenance after completion of the work.
- 6. [2(1) No original work shall be undertaken by a first class committee if it involves an expenditure of five thousand rupees or

Added by P. G. Notification No. 11900, dated 6th May, 1925.
 Substituted by P. G. Notification No. 12159, dated 19th April, 1927.

more or by a second class committee if it involves an expenditure of two thousand five hundred rupees or more, unless the technical sanction of the competent authority has previously been obtained as provided in sub-rule (2) ]

- (2) The authority competent to grant technical sanction for an original work shall be—
  - (a) in the case of an electrical work, the Electrical Engineer to the Punjab Government;
  - (b) in the case of a sanitary work—
    - (i) the Sanitary Engineer to Government, Punjab, if the expenditure involved is five thousand rupees or more; or
    - (ii) the Executive Sanitary Engineer, if the expenditure involved is less than five thousand rupees;
  - (c) in the case of any other work—
    - (i) the Superintending Engineer, Public Works Department, Buildings and Roads Branch, if the expenditure involved is five thousand rupees or more; or
    - (ii) the Executive Engineer, Public Works Department, Buildings and Roads Branch, if the expenditure involved is less than five thousand rupees:

Provided that if Government standard plans and rules approved by the Executive Engineer are adopted by the committee for any work other than an electrical or sanitary work it shall not be necessary to obtain technical sanction for such work:

Provided further that no officer of the Public Works Department shall accord technical sanction for any work of which the estimated cost is in excess of the cost of a work for which he is empowered to give technical sanction under the rules of that department, without the previous approval of the higher authority empowered to give technical sanction under those rules.

- (3) The committee shall be bound during the execution of a work falling under sub-rule (1) or sub-rule (2) of this rule, to give effect to all modifications and to conform to all conditions imposed by the sanctioning authority with regard to such work.
- (4) The Local Government may, in the case of any committee, on such conditions as it may deem fit to prescribe and for a period not exceeding three years, raise by notification the limits of expenditure prescribed in clauses (1) and (2) of this rule.

- 7. If the detailed estimates of any project, when prepared, Revised administrative exceed the amount administratively approved approval. by 10 per cent. or more, or if it becomes apparent during the execution of any work that the amount administratively approved will be exceeded by 10 per cent. or more, owing to increase of rates or other causes, the revised administrative approval of the competent authority to the increased expenditure shall be obtained without delay. Similarly, revised administrative approval shall be obtained to important modifications of the proposal originally approved, even though the cost thereof may be covered by savings on other items.
- 8. If the Local Government, the Sanitary Board, the Electricity Board or any other Board or authority established by the Local Government is to contribute any portion of the cost of work, administrative approval and technical sanction shall be accorded by such authority as the Local Government or the authority concerned may appoint in his behalf, anything to the contrary in these rules notwithstanding.

Note.—In pursuance of this rule the Local Government has directed that no original work towards the cost of which Government makes a grant-in-aid shall be undertaken by a first class committee if the work involves an expenditure of less than Rs. 30,000 or by a second class committee if the work involves an expenditure of less than Rs. 15,000 unless the administrative approval of the Commissioner has been obtained. (P. G. Notn. No. 29736, dated 24th October 1928.)

- 9. In cases other than those provided for in rules 6 and 8 no original work shall be undertaken by a committee without the technical sanction of the Municipal Engineer, or, if there is no Municipal Engineer, of such person as the Commissioner may appoint in this behalf.
- [19-A. No committee shall enter into any agreement with any Electric Supply Company for the purchase of electrical energy or for the supply of any material or the maintenance of any works for the purpose of or relating to the supply of such energy, unless the terms on which such energy or such material is to be supplied or such works are to be maintained by such company have been approved by the Local Government; and every application for such approval shall be forwarded to the Local Government through the Deputy Commissioner, the Commissioner and the Electrical Engineer.]
- 10. (i) Every application from a committee for a grant in-aid for an original work shall be submitted with a copy of the order of administrative approval or with an application for administrative approval as the case may be, through the Commissioner (a) to the Sanitary or Electricity Board for

<sup>1.</sup> Inserted by P. G. Notn. No. 16049, dated 31st May, 1927.

sanitary or electrical works, and (b) to the Local Government for other works.

- (ii) No such grant in-aid shall be credited to the municipal fund until the prescribed administrative approval and technical sanction is accorded to the work for which the grant-in-aid is sought; provided that the Sanitary Board may credit a grant-in-aid in advance of technical sanction if for any special reason it deems it advisable to begin the work on the rough project.
- (iii) The committee shall not permit a work for which a grant-inaid has been promised or given to be started without the previous sanction of the authority which has promised or given such grant-in-aid.
- 11. No person shall be appointed by a committee as its Qualifications of Municipal Engineer if he does not possess at cipal Engineer. Hunicipal Engineer if he does not possess at least the following technical qualifications:—
  - (a) In the case of a first class committee such qualification as are prescribed by the Local Government for the recruitment of Officers to the Provincial Engineering Service and in addition 10 years' professional standing;
  - (b) In the case of a second class committee such qualifications as are required for the Punjab Subordinate Engineering Service, and in addition a three years' professional standing: Provided that a first class committee with the previous sanction of the Local Government and a second class committee with the previous sanction of the Commissioner, may, subject to such condition as may be prescribed, appoint an engineer who does not possess these qualifications.

Provided that nothing contained in this rule shall apply to the temporary appointment as Municipal Engineer of any person for a period or periods not exceeding in the aggregate three months.

- 12. No person shall be appointed by a committee to any office connected with sanitary or other works, other than the office of Municipal Engineer the proper discharge of which requires the exercise of professional skill if he does not possess such qualifications as the Local Government may, from time to time, by general or special order prescribe.
- 13. (1) Preliminary surveys, plans, specifications and estimates for works shall ordinarily be prepared by the Municipal Engineer.

<sup>1.</sup> Added by P. G. Notn. N . 34900, dated 27th November, 1928.

- (2) When a municipal committee resolves not to employ its own permanent agency for the preparation of the preliminary surveys, plans, specifications and estimates for any project which requires the administrative approval of higher authority under these rules, it shall apply to that authority for the necessary professional staff to prepare all preliminary surveys, plans, specifications and estimates.
- 14. (1) If technical sanction to a project is within the powers of the Municipal Engineer, he shall be deemed competent to prepare the detailed surveys, plans, specifications and estimates and execute the work.
- (2) If the technical sanction of higher authority is required, the municipal committee may resolve to work through its own engineering staff and shall in that case obtain a written certificate from the Sanitary Engineer in the case of sanitary works, from the Electrical Engineer in the case of electrical works and from the Superintending Engineer in the case of other works, to the effect that the said staff is competent to prepare the detailed plans, specifications, surveys and estimates and to execute the work.
- (3) If the certificate required under sub-rule (2) of this rule is not given, the municipal committee shall have the said surveys, plans, specifications and estimates carried out by the Sanitary, Electrical or Superintending Engineers, as the case may be, or by some person or persons nominated by them and it shall not employ any other agency without their previous consent in writing.
- 15. The committee shall pay to Government on account of services rendered by officers of the Public Works Department including the Sanitary Engineer [1 \* \* \*] but excluding the Electrical Engineer for whose services the scale of fees payable was notified in notification [2No. 820-6 14216, dated the 6th November, 1924,] the fees detailed in the following table namely:—

Description of work.	If the estimated cost of the work is less than Rs. 10,000.  If the estimated cost of the work is from Rs. 10,000	Rs the st of Rs. Rs.
	1 1 2 1 1 H 8 H	to HE to

For visiting a site and giving advice preparatory to design.

Travelling allowance according to Government rules plus a fee of Rs. 50 for each day or part of a day.

Omitted by P. G. Notn. No. 21168, dated 10th August 1927.
 Substituted by P. G. Notn. No. 18998, dated 2nd June, 1925.

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For the preparation of preliminary plans and estimates by cubic measurement or otherwise	l per cent. of the estimated cost.	l per cent. of the esti- mated cost.	per cent. of the esti- mated cost.		
For the preparation of general drawing plans, [lestimates] elevations, sections and specifications	1½ per cent. of the estimated cost.	1 per cent- of the esti- mated cost-	<sup>3</sup> / <sub>4</sub> per cent of the esti- mated cost.		
For the preparation of half-inch, full size and other detail drawings.	l 4 per cent. of the estimated cost.	l per cent. of the esti- mated cost	<sup>3</sup> / <sub>4</sub> per cent. of the esti- mated cost.		
For interviews and correspondence with the Engineer in charge of construction to an extent not am unting to supervision.	1¼ per cent. of the esti- mated cost.	1 per cent. of the esti- mated cost.	a per cent. of the estimated cost.		
For the supervision of construc- tion including periodical in- spection to the extent necessary to ensure efficient construction and the issue of all necessary orders regarding the work and the tendering of advice during execution.	3 per cent- of the esti- mated cost.	3 per cent. of the esti- mated cost.	2 per cent. of the esti- mated cost.		
For the preparation of plans and estimates and construction through the staff of the Public Works Department.	Full departm	ental charges.			
For the preparation of a plan of the town where none already exists, and such preparation is an essential preliminary to the preparation of the plans and estimates for the work under consideration.	each case before the prepartion of the plan is taken into hand.				

<sup>[216.</sup> The Committee shall pay to Government on account of services rendered by the Consulting Architect to Government, Punjab, the fees detailed in the following table, namely:—

Inserted by P. G. Notification No. 12159, dated 19th April, 1927.
 Inserted by P. G. Notification No. 21168, dated 10th August, 1927.

Description of work.	If the estimated cost of the work is less than Rs. 10,000.	If the estimated cost of the work is Rs. 10,000 or more but less than Rs. 30,000.	If the estimated cost of the work is Rs. 30,000 or more.
For visiting a site and giving advice preparatory to design or during execution of work.	ment rules	lowance accord  [Iplus a fee of or part of a core	ing to Govern- f filty rupees lay
For the preparation of preliminary plans and estimates by cubic measurement or otherwise.	2½ per cent. of the estimated cost.	of the esti-	1½ per cent. of the estimated cost.
For the preparation of general plans, elevations, sections and specifications.	2½ per cent of the estimated cost	1 per cent. of the estimated cost.	of the estimated cost.
For the preparation of half-inch, full size and other detailed drawings.	2½ per cent. of the esti- mated cost	13/4 per centof the estimated cost	1½ per cent- of the esti- mated cost.
For correspondence and interviews with the Engineer in charge of construction to an extent not amounting to supervision.	2½ per cent. of the esti- mated cost	1 <sup>3</sup> / <sub>4</sub> per cent. of the esti- mated cost	1¼ per cent. of the esti- mated cost.

### <sup>3</sup>X—The Formation and Working of Fire-Brigades.

1. (a) Every committee establishing a firebrigade under section 93 of the Act shall frame Standing Orders to regulate the formation and working of such brigade, the Standing Orders shall, among other matters, provide for the recuitment, strength, pay, organization, discipline, terms of service, training, drill and alarm-procedure of the brigade, and shall comprise a detailed account and inventory of such appliances for the communication of intelligence and the extinguishing of fire as may be provided by the committee, together with general orders for co-operation with the police on the occasion of an outbreak of fire.

<sup>1.</sup> Substituted by P. G. Notification No. 36336, dated 13th November, 1929.

<sup>2.</sup> Inserted by P. G. Notification No. 36225, dated 6th December, 1930,

<sup>3.</sup> P. G. Notn. No. 14291, dated 22nd June 1925,

- (b) The Standing Orders of a committee shall be subject to the approval of the Deputy Commissioner of the district and shall be laid before the committee for cosideration with a view to possible revision after every important outbreak of fire, and in any case at least once a year.
- 2. A member or members of the committee shall be deputed by the committee to deal with all matters appertaining to the brigade, and to represent the requirements thereof to the committee, and the member or members so deputed shall be required to attend at outbreaks of fire for the extinction of which the brigade may be called out.
- 3. Every committee maintaing a fire-brigade shall appoint a Superintendent of the brigade, who shall be responsible to the committee for the observance of the Standing Orders and for the internal organization, discipline and training of the brigade.
- 4. For the purpose of maintenance of discipline the Superintendent shall be invested under the Standing Orders of the committee, with certain powers of inflicting summary punishment upon his subordinates such as fine not exceeding Rs 5, fatigue drill, and confinement of firemen to quarters for periods not exceeding two days, and liability to such penalties shall form part of the terms of service in the brigade.
- 5. The members of the fire brigade shall be provided with a suitable uniform at the expense of the committee.
- 6. The committee shall fix a minimum number of trial or practice calls to be made during the year for the purpose of training the brigade, and the number of firemen to be at all times in attendance at the fire-brigade quarters.
- 7. The committee shall also, in consultation with the Deputy Commissioner, appoint a Fire Officer who shall be in general control of the operations of extinguishing a fire.
- 8. When the brigade is called out to extinguish fire the Super-intendent shall, subject to the general control of the Fire Officer, direct all operations and no other person shall act under the provisions of section 94 of the Act when either the Fire Officer or the Superintendent, is present, except with his concurrence.
- 9. The brigade and its appliances and inventories shall be inspected at least once a week by the Superintendent and once a month by the member or members deputed under rule 2.
- 10. The Superintendent shall be responsible for maintaining the brigade and its appliances in good working order and for reporting all defects to the committee.

- 11. No charge shall be levied by the committee on the owner or occupier of lands or buildings within municipal limits for the attendance of the brigade for the extinguishing of fire
- 12. The committee may contract for the payment by an insurance company of a portion of the actual expenses of the brigade in attending and extinguishing fire on lands and buildings insured by the company.
- 13. The committee may, by general order, authorize the Superintendent on demand for the services of the fire-brigade being made by the owner or occupier of the property on fire or endangered to send the fire-brigade with its appliances beyond municipal limits for extinguishing fire outside such limits and the committee may make a charge for its services at rates to be laid down in the Standing Orders framed under rule 1: provided that the fire-brigade and its appliances shall not be so sent to a distance of more than five miles beyond municipal limits if the brigade and its appliances are transported by motor-vehicle or more than one mile beyond such limits if the brigade and its appliances are otherwise transported.
- 14. The alarms orders of the fire-brigade may be put in force in the manner prescribed in the Standing Orders by any fireman, Police Officer, or member of the public aware of the outbreak of a fire.

#### <sup>1</sup>XI.—Town Watchmen.

- 1. When the Police establishment maintained under Chapter V, Act XIII of 1884, is wholly or in part a body of watchmen, such watchmen shall be under the order of the District Superintendent of Police, subject to the general control of the District Magistrate.
- 2. (a) The appointment and promotion of the town watchmen shall rest with the District Superintendent of Police, and the rules sanctioned by the Government for appointment and promotion of enrolled policemen as given in Chapter V, Consolidated Police Rules, shall be applied so far as the Magistrate of the district shall deem necessary for the efficiency of the said watchmen.
- (b) The District Superintendent of Police shall keep up a register in which shall be recorded the names of all applicants for appointment as town watchmen whom the municipal committee by resolution may approve of and nommate, and appointments shall be made from such candidates if fit for the duty. If not fit, the District Superintendent of Police may, after recording his reasons for rejecting such nominees, appoint men selected by himself.
- 3. (a) The District Superintendent of Police may at any time dismiss, suspend, or reduce any town watchman whom he may think

<sup>1.</sup> P. G. Notn. No. 96, dated 27th July 1888

remiss or negligent in the discharge of his duty, or unfit for the same, or fine any town watchman to any amount not exceeding one month's pay who shall discharge his duty in a careless or negligent manner, or who by any act of his own shall render himself unfit for the discharge thereof.

- (b) The municipal committee [¹or the President of the Municipal Committee] may, by resolution, bring to the notice of the District Superintendent of Police, through the District Magistrate, any town watchman who in their opinion has been negligent in his duty or guilty of misconduct, and the District Superintendent of Police, shall enquire into the case and report for the approval of the District Magistrate and the information of the committee, the result of his enquiry.
- 4. No town watchman or dafadar shall withdraw from the duties of his office unless—
  - (1) he has received permission to resign from the District Superintendent of Police or from some other person authorised by the District Superintendent of Police to accept his resignation; or
  - (2) two months have elapsed since he gave notice of his intention to resign to the District Superintendent of Police.

Directions regarding the duties to be performed by town watchmen.

- 5. (a) It is the duty of every town watchman to keep watch and ward in the town.
- (b) A watchman shall be bound to render all assistance in his power in case of conflagrations within the limits of the municipality.
- (c) A watchman shall take charge of any property found unclaimed within the limits of the municipality, and hand it over to the officer in charge of the police station.
- 6. Every town watchman is bound forthwith to communicate, to the officer in charge of the Police station within the limits of which his beat is situate, any information he may obtain respecting any person found lurking in such beat who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself; or respecting the residence in or resort to, any place within the limits of such beat of any person who is a reputed housebreaker or thief or who is of notoriously bad livelihood.
- 7. Every town watchman shall observe, and from time to time report to the officer mentioned in Rule 6, the movements of all bad characters in his beat, and shall report the arrival of suspicious characters in the neighbourhood.

<sup>1.</sup> Added by P. G. Notn. No. 27934, dated 11th November 1922.

- 8. Every town watchman shall give timely intimation to the officer mentioned in Rule 6, in the event of any notorious bad character residing in his beat being absent at night without having given notice of his departure, or associating with individuals of bad repute, or ceasing to labour, or to obtain a livelihood by honest means.
- 9. Every town watchman shall keep the officer mentioned in Rule 6 informed of all disputes which are likely to lead to any riot or serious affray, and of all intelligence he receives affecting the public peace within or near his beat.
- 10. It shall be the duty of the town watchman to report to the officer in charge of the police station within the limits of which his beat is situate, all deaths which occur in such beat and to furnish such other information in connection with vital statistics as may be required of him by the Deputy Commissioner from time to time.
- 11. Every town watchman shall, in like manner, report the appearance of any epidemic in his beat, and shall supply to the best of his ability any local information which the Deputy Commissioner may require.
- 12. Every town watchman shall prevent, and may interpose for the purpose of preventing the commission of any cognizable offence as defined in the Code of Criminal Procedure.
- 13. Every town watchman receiving information of the commission of, or of a design to commit, any cognizable offence, shall at once communicate such information to the officer in charge of the police station within the limits of which his beat is situate.
- 14. Every town watchman knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if the commission of the offence cannot be otherwise prevented.
- 15. Every town watchman may, of his own authority, interpose for the prevention of any injury attempted to be committed in his view to any Government, Municipal or Railway property, moveable or immoveable, or to prevent the removal or injury of any public land-mark.
- 16. Every town watchman may, without orders from a Magistrate and without a warrant, arrest—
  - Firstly, any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned.

- Secondly, any person having in his possession, without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house breaking;
- Thirdly, any person who has been proclaimed as an offender, either under the Code of Criminal Procedure or by order of the Local Government;
- Fourthly, any person in whose possession anything is found which may reasonably be suspected to be stolen property, and who may reasonably be suspected of having committed an offence with reference to such thing;
- Fifthly, any person who obstructs a police officer or a town watchman while in the execution of his duty, or who has escaped or attempts to escape, from lawful custody;
- Sixthly, any person reasonably suspected of being a deserter from Her Majesty's Army or Navy; and
- Seventhly, any person who in his sight commits any offenc under section 34 of Act V of 1861 within the limits of the town, provided such section has been specially extended thereto by the Local Government.
- 17. If a person forcibly resists an endeavour to arrest hime every town watchman may use all means necessary to effect the arrest.
- 18. No person arrested by a town watchman shall be subjected to more restraint than is necessary to prevent his escape.
- 19. The town watchman shall take charge of all persons arrested under these rules, or by any private person under any law for the time being in force, and shall forthwith take or send any person or persons so taken charge of by him, or any person or persons he himself may arrest, before the officer in charge of the police station within the limits of which his beat is situate: provided that during the hours of darkness the person or persons arrested may be detained in custody, but must be taken as early as possible on the following morning to the police station.
- 20. It shall be the duty of every town watchman promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority; to collect and communicate intelligence affecting the public peace; to prevent the commission of offences and public nuisances; to detect and bring offenders to justice; and to apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension sufficient ground exists; and it shall be

lawful for every town watchman, for any of the purposes mentioned in this section, without a warrant to enter and inspect any drinking shop, gaming house, or other place or resort of loose and disorderly characters.

21. It shall be the duty of the town watchman to keep order on the public roads and in the public streets, thoroughfares, ghats, and landing places, and at all other places of public resort, and to prevent obstructions on the occasions of assemblies and processions on the public roads, and on the public streets or in the neighbourhood of places of worship during the time of public worship, and in any case when any road, street, thoroughfare, ghat or landing place may be thronged or may be liable to be obstructed.

Note.—Under the provisions of section 76 (1) (d) of Act XIII of 1884 all town watchmen appointed under these Rules possess the same powers, are entitled to the same assistance, enjoy the same protection, are subject to the same responsibilities, and are liable to the same penalties as if they were police officers enrolled under Act V of 1861.

### <sup>1</sup>XII.—Compounders in Veterinary Hospitals.

- 1. A compounder employed by a municipal committee in a veterinary hospital or dispensary shall be required to pass a professional examination within three years of his appointment. In the event of his failing to pass such examination he will be dismissed.
- 2. In order to pass the examination referred to in the preceding rule a compounder will be required to show that he has—
  - (i) a good knowledge of Urdu and the simple rules of Arithmetic, including the Roman numerals;
  - (ii) an accurate knowledge of the weights and measures used in dispensing, including the Roman symbols;
  - (iii) ability to compound neatly balls, pills, mixtures, draughts, powders, etc.;
  - (iv) a fair knowledge of the appearance and the doses of drugs and especially of posionous drugs;
  - (v) ability to handle animals efficiently and administer medicines, and a fair knowledge of dressing wounds and of bandaging.

## <sup>2</sup>XIII.—The Management of Fairs.

1. Every municipal committee, notified area, committee or district board named in the seventh column of the schedule appended

P. G. Ntn, No. 580, dated 16th August 1909.
 P. G. Ntn. No. 16994, dated 20th May 1920.

to these rules shall, subject to the general control of the Deputy Commissioner, be responsible for the management of the fairs shown against its name in the third column of such schedule.

- 2. Every such committee or board shall comply with all reasonable requirements made by the Deputy Commissioner, Medical Officer of Health of the local body concerned or in his absence the Civil Surgeon or the Superintendent of Police in accordance with the instructions contained in Punjab Government Consolidated Circular No. 41: provided that if compliance with any such requirement would entail expenditure in excess of the provision made by the committee or the board in its sanctioned budget, the committee or the board may appeal against such requirement to the Commissioner if the requirement was made by the Deputy Commissioner is a member of such committee or board, or to the Deputy Commissioner if he is not a member of such committee or board, or if the requirement was made by the Medical Officer of Health referred to above or the Civil Surgeon or the Superintendent of Police.
- 3. Every such committee or board shall, as far as possible, arrange to have the site where the fair is held cultivated and at least one crop a year taken off it, in order that such site may remain in a wholesome condition, unless the Medical Officer of Health of the local body concerned or in his absence the Civil Surgeon certifies that such cultivation is injurious to public health.
- 4. Some time before the fair is held every such committee or board shall arrange to have the site of the fair levelled, holes filled up and, if necessary, cuts made to remove surface water.
- 5. Every such committee or board shall have broad lines or communication marked on the site in the manner most convenient for the purposes of the fair. Such roads should be as straight as possible and should intersect each other in such a manner as to divide the fair ground into square blocks. The main roads should not be less than 60 feet wide and the cross roads not less than 45 feet wide.
- 6. Every such committee or board shall cause all jungle growth to be cleared from the fair ground. Large trees should be carefully preserved.
- 7. Every such committee or board shall provide sites on the fair ground for temporary shops for which rent may be charged. Such shops should be located on the sides of the main roads surrounding the squares.
- 8. Every such committee or board shall provide every well on the fair ground with a proper coping and masonry *chabutra* sloping outwards to prevent waste water from flowing back into the well, and shall provide suitable appliances for lifting the water and shall appoint persons who alone shall be authorised to draw water.
- 9 Every such committee or board shall make bye-laws or regulations to regulate the conduct of the fair and of persons attending the fair.

# SCHEDULE.

1	2	3	4	5	6	7
District.	No.	Name of fair.	Place where held.	Estimated attendance.	Whether religious or otherwise.	Local body to which transferred.
			AMBAL	A DIVISI	ON.	

Hissar .	1	Atumn Cattle fair.	Sirsa Town	12,000	Commercial	District Board.
	2	Sirsa Spring Cattle fair.	Ditto	5,000	Ditto	District Board.
	3	Hissar Spring Cattle fair.	Hissar	5,000	Ditto	District Board.
	4	Fatehabad Autumn Cat- tle fair.	Fateh- abad	5,000	Ditto	District Board.
	5	Hissar Autumn Cat- tle fair.	Hissar	5,000	Ditto	District Board.
	6	Bhiwani Autumn Cattle fair.	Bhiwani	5,000	Ditto	District Board.
	7	Bhiwani Spring Cattle fair.	Bhiwani	1 ,000	Ditto	District Board.
	8	Hansi Spring Cattle fair.	Hansi	3,000	Ditto	District Board.
	9	Hansi Autumn Cattle fair.	Hansi	3,000	Ditto	District Board.
Rohtak	1	Cattle fairs (Chet and Asauj).	Jahaz- garh (Tahsil Jhajjar)	15,000	Ditto	District Board.

# SCHEDULE-continued.

1	2	3	4	5	6	7
District.	No.	Name of fair.	Place where held.	Estimated attendance.	Whether religious or otherwise.	Local body to which tranferred.

# AMBALA DIVISION—CONTINUED.

C	durgaon	1	Cattle show (of August).	Rewari	12,000	•••	District Board.
F	Karnal	1.	Sun Eclipse fair, Thanesar	Thanesar	200,000	Religious (bathing prac- tised.)	District Board.
		2	Phalgu fair.	• • •	150,000	Ditto	District Board.
	***************************************	3	Pehowa fair.	• • •	100,000	Ditto	District Board.
		4	Ram Lilla	Karnal	25,000	Religious (no bathing).	Karnal Munici- pal Committee.
ξ	Simla		• • •	• • • •		• • •	• • •
4	An bala	1	Gopal Mochan	Bilaspur (in Jaga- dhri Tah- sil.)	30,000	Religious (bathing is practised).	District Board.
		2	Shah Qamais	Sadhoura (Narain- garh Tahsil.)	25,000	Religious	Ditto
		3	Mansa Devi	(Kharar Tahsil). Mani- Majra	40,000	Religious (no bathing).	Ditto

### JULLUNDUR DIVISION.

Ludhiana	1 <sub>i</sub> Roshni	Ludhiana	10,000	Religious	Ludhiana
					Municipal
					Committee.

1	2	3	4	5	6	7
District.	No.	Name of fair.	Place where held,	Estimated attendance.	Whether religious or otherwise.	Local body to which trans- ferred.

## JULLUNDUR DIVISION—CONTINUED.

Ludhiana	2	Chet Chaudas Horse and Cattle fair.	Ludhiana	10,000	Religious and commercial (bathing prac- tised).	District Board.
	3	Chappar fair	Chappar (Tahsil Ludhiana	15,000	Religious	Ditto.
	4	Roshni fair	Jagraon	10,000	Ditto.	Jagraon Municipality.
Feroze- pore	1	Chet Chaudas	Not stated, but within the jurisdiction of the Ferozepore Municipality	8,000 to 10,000	Religious (bathing practised).	District Board.
	2	Baisakhi	(Not definitely stated), but within the jurisdiction of the Ferozepore Municipal Committee.	8,000 to 10,000	Ditto.	Ditto.

	REFERENCE					
<b>1</b>	2	3	4	5	6	7
District.	No.	Name of fair.	Place where held.	Estimated attendance.	Whether religious or otherwise.	Local body to which trans- ferred.
		JULLUI	IDUR I	DIVISIO	N-continue	<b>D.</b>
	3	Maghi fair	In the jurisdiction of the Muktsar Municipality.	100,000	Religious (bathing practised).	Muktsar Muni- cipal Committee.
	4	Muktsar Horse and Cattle fair.	Ditto.	100,00	Commercial	Ditto.
	5	Dusehra	Zira Mu- nicipality		Religious	Zira Municipal Committee.
	6	Muharram	Ditto.	6,000	Ditto	Ditto.
	7	Camel fair	Abohar	10,000	Commercial	Abohar Notified Area Committee
	8	Baba Tarli Nath	Jurisdiction of the District Board.	6,000 to 7,000	Religious	District Board.
Jullun- dur	1	Harballab	Jullundur (Devi Talab.)	30,000 .		Jullundur Muni- cipal Committee.
	2	Dusehra	Jullun- dur City.	50,000	Religious	Ditto.
	3	Imam Nasar- ud-din fair.	Ditto	7,000	Ditto	Ditto.

1	2	3	4	5	6	7
District.	No.	Name of fair.	Place where held.	Estimated attendance.	Whether religious or otherwise.	Local body to which transferred.

## JULLUNDUR DIVISION—CONTINUED.

	[¹4	Jhanda Ji	K hatkar Kalan	8,000	Religious	District Board.
	[¹5	Abdulla Shah	Mandhali	40,000	Religious	District Board.]
Hoshiar- pur.	1	Hola	Kirat- pur and Anand- pur.	35,000	Religious (bathing practised).	District Board.
	2	Ashtmi (Chet and Sawan).	Chint- purni	20,000	Ditto	Ditto.
	3	Guru Bar Bagh Singh.	Mairi	25,000	Ditto	Ditto.
	4	Shah Nur Jamal	Saleran	70,000	Religious	Ditto.
	5	Ram Lila	Hoshiar- pur City.	25,000	Ditto	Municipal Committee, Hoshiarpur.
	6	Muharram	Ditto	25,000	Ditto	Ditto.
	[27	Jangi Mahi Shah	Murad- pur.	20,000	Religious	District Board.]
Kangra \	[31	. Nawratra	Jowala- mukhi	50,000	Religious	District Board.]

<sup>1.</sup> Inserted by P. G. Notn. No. 4601, dated 8th February, 1928.

<sup>2.</sup> Inserted by P. G. Notn. No. 9131, dated 23rd March, 1927.

<sup>3. &</sup>quot; " No. 28318, dated 8th November, 1927

1	2	3	4	5	6	7
District.	No.	Name of fair.	Place where held.	Estimated attendance.	Whether religious or otherwise.	Local body to which transferred.

### JULLUNDUR DIVISION—CONCLUDED.

[\2	Bhawarna	Bhawar- na	12,000	Religious	District Board.]
[13	Narihana	Narihana	29,000	Religious	District Board.]
[24	Shivratri	Baijnath	6,000	Religious	District Board.]
[ <sup>2</sup> 5	Lidhvar	Nagrota	8,000	Religious	District Board.]
[36	Dusehra	Sultan- pur.	18,000	Religious	District Board.]

#### LAHORE DIVISION.

Gurdas- pur	1	Baba Farid Gudar.	Kashti- wala	10,000	Religious	District Board.
	2	Naumi and Dasmi	Achal	15,000	Ditto	[Ditto.
Amritsar	1	Diwali	Amritsar City.	25,000	Religious and Commercial.	Municipal Com- mittee of Amrit- sar.
	2	Baisakhi	Ditto	15,000	Ditto	Ditto.
	3	Amawas (monthly fair).	Tarn Taran (Tarn Taran Tahsil).	10,000	Religious (bathing).	Notified Area Committee Tarn Taran.

Inserted by P. G. Notn. No. 18303, dated 17th April, 1928; No. 16457, dated 14th May, 1928.
 , , , No. 27603, dated 25th September, 1928.
 , , No. 31705, dated 6th, November, 1928

1	2	3		4	5	6	7
District.	No.	Name of f	air.	Place where held.	Estimated attendance.	Whether religious or otherwise.	Local body to which transferred.

## LAHORE DIVISION—CONTINUED.

	4.	Jag Sri Guru Amar Dev fair.	Gondwal	20,000	Religious (bathing).	District Board.
	5	Tukri	Ram Tirath (Tahsil Ajnala).	10,000	Ditto	Ditto.
Sialkot	1	Muharram	Sialkot City.	60,000	Religious (no bathing is practised).	Sialkot Muni- cipal Commit- tee.
	2	Baryar	Narowal	15,000	Ditto	Sialkot District Board.
	3	Baisakhi	Sialkot City	10,000	Ditto	Sialkot Muni- cipal Commit- tee.
	4	Bhuch	Bhuch village	10,000	Ditto	Sialkot District Board.
	5	Throh Cattle fair.	Throh	50,000	Commercial	Ditto.
	6	Gulu Shah Cattle and Horse fair.	Koreke	60,000	Ditto	Ditto.
	7	Sialkot Spring fair.	Sialkot	10,000	Ditto	Ditto.
	8	Sialkot Autumn fair	Do.	10,000	Ditto	Ditto.

1 2	2	3	4	5	6	7
District.	$N_0$ .	Name of fair.	Place where held.	Estimated attendance.	Whether religious or otherwise.	Local body to which trans- ferred.

# LAHORE DIVISION—CONTINUED.

	9	Shah Bolak	Shah Bolak	10,000	Religious and Commercial.	Sialkot District Board.
Sheiku- pura	1	Tukri	Nankana Sahib	80,000	Religious (bathing is practised).	[¹Notified Area Committee of Nankana Sahib.]
Gujran- wala	1	Dhaunkal, Sakhi Sarwar	Dhaunkal (Tahsil Wazir- abad).	10,000	Religious (no bathing is practised).	† <sup>2</sup> District Board]
	2	Urs Sain Gulab Shah.	Ram Nagar (Tahsil Wazir- abad.)	30,000	Ditto	Notified Area Committee of Ramnagar.
	3	Baisakhi and Cattle fair.	Emin- abad	25,000	Both religious and commer- cial (bathing is also prac- tised.)	
	4	Horse Show and Cattle fair.	Hafiz- abad (Tahsil Hafiz- abad).	12,000	Horse show and Cattle fair (commer cial).	Ditto.
Lahore		Chetar Chaudas	Lahore	15,000	Religious (bathing is practised).	Lahore Municipal Committee.

Substituted by P. G. Notification No 26416, dated 22nd October, 1927.
 Substituted by P. G. Notification No. 26416, dated 22nd October, 1927 as corrected by Notification No 29348, dated 21st November, 1927.

1	2	3	4	5	6	7
District.	No.	Name of fair.	Place where held.	Estimated at- tendance.	Whether religious or otherwise.	Local body to which tranferred.

## LAHORE DIVISION—GONTINUED.

Lahore	2	Baisakhi	Lahore	20,000	Religious	Lahore Munici-
	3	Bhadra Kali	Do.	20,000	(bathing) Religious (no bathing is practised).	pal Committee. Ditto.
	4	Mela Jor	Do.	20,000	Ditto	Lahore Muni- cipality.
	5	Dusehra	Do.	100,000	Ditto	Lahore Municipal Committee
	6	Ram Naumi	Do.	15,000	Ditto	Ditto.
	7	Id-ul-Fitar	Do.	15,000	Ditto	Ditto.
	8	Id-ul-Zuha	Do.	12,000	Ditto	Ditto.
	9	Muharrum	Do.	40,000	Ditto	Ditto.
1	LO	Charagan fair	Shalimar (Lahore Tahsil).	20,000	Ditto	[¹Baghbanpura- cum-Bhogiwal Municipal Committee].
1	1	Bhadra Kali	Niazbeg (Lahore Tahsil).	12,000	Religious (with some bathing).	[¹District Board].
1	12	Basant fair	Baghban- pura (Lahore Tahsil).	10,000	Religious (bathing is not practised).	[¹Baghbanpura- cum-Bhogiwal Municipal Committee].

<sup>1.</sup> Substituted by P. G. Notn. No. 23366, dated 11th August, 1930,

## SCHEDULE—continued.

1	2	3	4	5	6	7
District.	No.	Name of fair.	Place where held.	Estimated attendance.	Whether religious or otherwise.	Local body to which transferred.
		LAH(	ORE DI	VISION	V—concluded.	
	13	Horse and Cattle fair.	Kasur (Kasur Tahsil).	25,000	Commercial	District Board
	14	Holi fair	Chatlian- wala (Kasur Tahsil).	10,000	Religious (no bathing).	Ditto.
	15	Gharyala	Gharyala (Kasur Tahsil).	15,000	Ditto	Ditto.
	16	Baisakhi	Ram Thaman (Kasur Tahsil),	20,000	Religious (bathing practised).	Ditto.
	17	Punni Shah	Bhila Hithar.	¹12,000	Religious (no bathing is practised).	Ditto.
	18	Shah Sharif	Khem Karan.	11,000	Commercial	Khem Karan Municipal Committee.
	19	Horse and Cattle fair.	Pattoki	10,000	Ditto	District Board.
	20	Ditto.	Kahna Nau.	10,000	Ditto	Ditto.
	21	[¹Nau Shahian	Patti town.	3,000	Religious (no bathing practised).	Patti Notified Area Com- mittee.

<sup>1.</sup> Added by P. G. Notn. No. 16987, dated 13th June, 1921.

Gujrat

Shah Jahan-

gir

Mian Shah's tomb fair.

Lohi

Baisakhi

2

3

Gujrat

Jaura

(Kharian Tah sil).

Chandoh

(Kharian Ta hsil).

Ker

Bawa (Phalia Tahsil). 2,000

8,000

6,000

8,000

Ditto

Ditto

Ditto

Religious (bathing is practised).

Ditto.

Ditto.

Ditto.

· Ditto.

SCHEDULE—continued.								
1	2	3	4	5	6	7		
District.	No.	Name of fair.	Place where held.	Estimated attendance.	Whether religious or otherwise.	Local body to which transferred.		
	RAWALPINDI DIVISION.							
Shahpur	1	Shah Shamas	Shahpur City.	15,000	Religious (no bathing).	District Board.		
Jhelum	1	Choa Saidan Shah.	Choa	35,000	(No bathing).	Ditto.		
	2	Khatas.	Khatas	20,000	Religious (bathing is practised.)	Ditto.		
Attock		Baisakhi.	Hassan Abdal.	10,000	Ditto	Notified Area Committee of Hassan Abdal.		
Mianwal.	ļ.,.		•	•.••	•••			
Rawal · pindi	1	Barri Shah	Nurpur Shahan (Rawal- pindi Tahsil).	5,000	Religious	District Board.		

# SCHEDULE—continued.

1	2	3	4	5	6	7
District.	Naı	me of fair.	Place where held.	Estimated attendance.	Whether religious or otherwise.	Local body to which transferred.

# RAWALPINDI DIVISION-concluded.

Gujrat   5	Baisakhi	Qadrabad and Khuna,	5,000 or 6,000	Religious (bathing is practised.)	District Board.
(	Nosho Sahib	Raumal	7,000 or 8,000	Religious (bathing is not practised)	Ditto.

# MULTAN DIVISION.

Mont- gomery		•••	•••	•••		•••
Jhang	1	Massan	Massan	10,000	Religious (no bathing is practised).	District Board.
	2	Shah Jiwana	Shah Jiwan	10 000	Ditto	Ditto.
	3	Atharan Hazari	Atharan Hazari	10,000	Ditto	Ditto.
Lyallpur	1	Cattle and Horse fair (March and October.)	Lyallpur	60,000	Commercial	Ditto.
Multan	1	Dusehra (Hus- sain Gahi.)	Multan City.	2,000		Multan Municipal Committee.

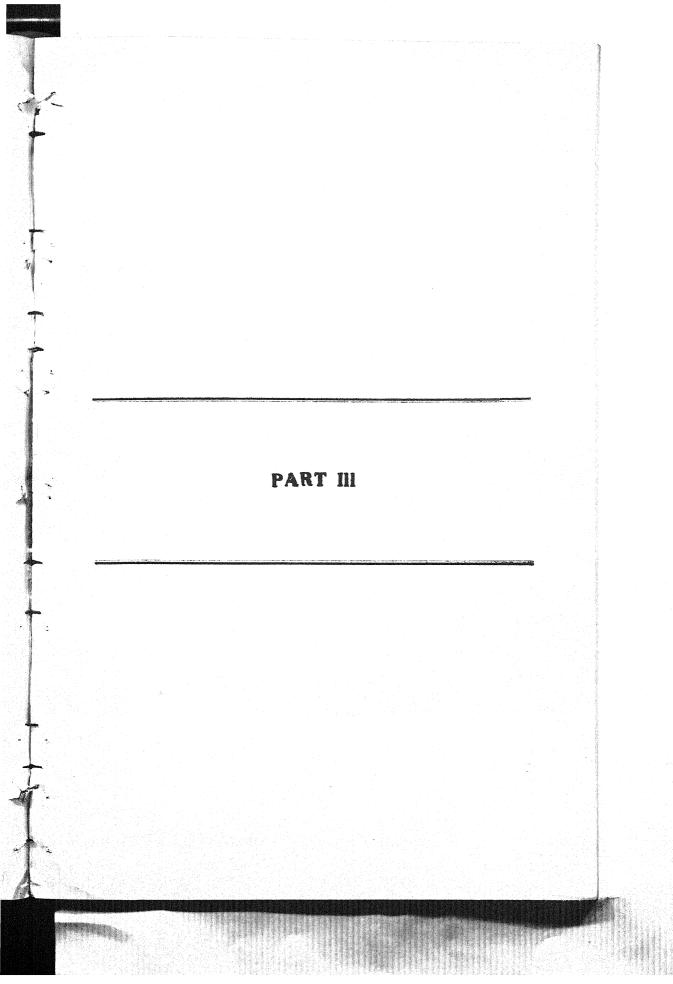
# SCHEDULE—concluded.

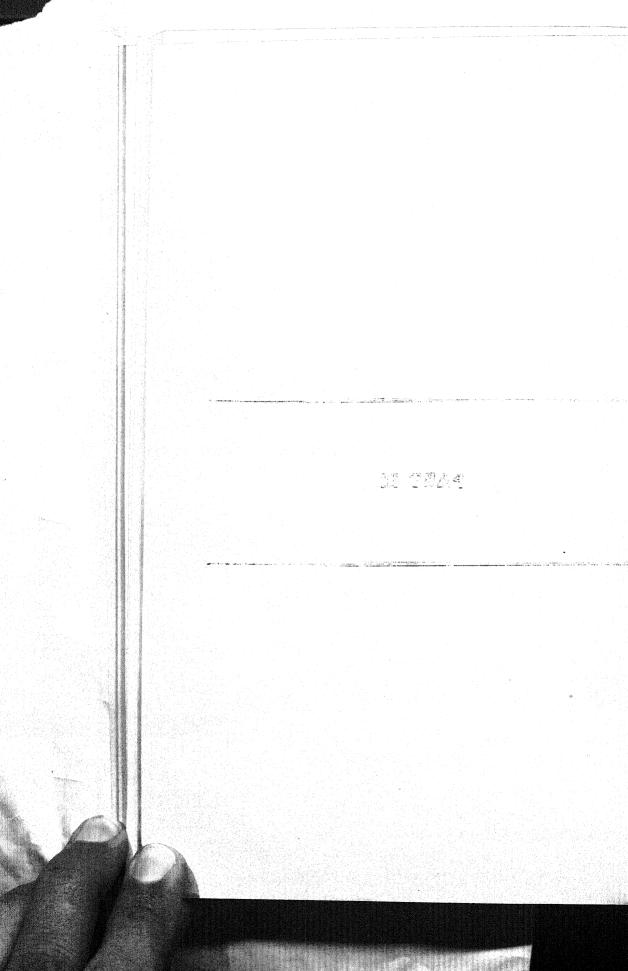
1	2	3	4	5	6	7
District.	No.	Name of fair.	Place where held.	Estimated attendance.	Whether religious or otherwise.	Local body to which transferred.

# MULTAN DIVISION-CONCLUDED.

Multan	2	*,	***	•••	•••	••• * ***
	3	Muharram	Multan City.	10,000	Religious	Municipal Committee, Multan.
Muzaffar garh	4	*	•••		•••	
D. Ghazi Khan	1	Horse Show	•••	30,000	Commercial.	District Board.

<sup>\*</sup>Omitted by P. G. Notn. No. 14496, dated 2nd May, 1922.





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### PART III.

#### CHAPTER I.

#### THE CONSTITUTION OF COMMITTEES.

The composition of committees fixed by directions of the Local Government and not by rule.

For the notifications constituting municipal committees and position of fixed by fixed by and not by fixed and not by should be made to Appendix B. It should be observed that the total number of members of a committee is to be fixed by the Local Govern-

ment under section 11, and the proportion of members to be appointed or elected under section 12. These are not matters to be fixed by rules under section 240, though in the past there have been many instances of rules on these subjects made under that section or the corresponding section of previous Municipal Acts. All such rules were however cancelled by the pre-amble of Punjab Government Notification No. 17877, dated 25th September 1917, and the composition of municipal committees has now been placed on a proper footing.

Matters regulated by Government can make rules are—

- (1) the division of municipalities into wards, or the inhabitants into classes, or both, section 240 (1) (b);
- (2) the representation of each class or ward—section 240 (1) (c);
- (3) the qualifications of electors and of candidates for election—section 240 (1) (d);
- (4) the registration of electors—section 240 (1) (e);
- (5) the nomination of candidates, the time of election and the mode of recording votes—section 240 (1) (f);
- (6) generally the regulation of all elections under the Act—sections 240 (1) (g) and 240 (2);
- (7) the term of office of members of committees—section 240 (1) (h).

Rules under the first two of these heads must be special to each municipality so as to allow for varying local conditions, and the notifications with which such rules have been published will be found in column 6 of the table contained in Appendix B. These rules also prescribe the qualifications of electors and of candidates for election,

but in addition general rules have been made, applicable to all municipalities, prescribing certain general disqualifications for members and voters and covering the whole procedure for the compilation of electoral rolls, the nomination of candidates, the recording of votes and enquiries into allegations of corrupt practices and material irregularities at elections.

General Election Rules applicable to all municipalities.

The general rules governing election are now contained in the Municipal Election Rules, 19302 which superseded rules made in 19263, which in turn had replaced rules made in 19174. The latter

had effected a number of changes in the procedure for conducting municipal elections; the secret ballot was introduced for the first time, voters' certificates were abolished, triennial general elections in respect of all seats to be filled by election were substituted for annual elections in respect of only some of the seats, and many improvements were effected in the procedure for the registration of voters, the nomination of candidates and the arrangements for polling. Experience, however, proved that the rules were too rigid in some respects, especially as regards the dates to be fixed for elections and the persons who could be appointed as polling officers, while in other respects they were not sufficiently precise to afford adequate guidance to officers responsible for the preparation revision of voters' registers or for the scrutiny of nominations. Moreover they were not altogether in line with the electoral rules of the central and provincial legislatures, and it was confusing both for the authorities responsible for the conduct of elections and for the public to have different sets of rules for different classes of elections. It was therefore decided to revise the rules so as to bring them into line with the general rules and remove the defects which experience had revealed in their working. At the same time the opportunity was taken of revising and incorporating in the same set of rules the rules as to election petitions which had been made in 1913 and were defective in many ways especially in that no provision was made for setting aside an election of which the result had been materially affected by an irregularity in the procedure. The 1926 rules were a great improvement on the rules of 1927, but their greater precision in many particulars proved in the event to be the cause of further difficulties. rules were moreover as ineffective as their predecessors in checking the alarming growth of mal-practices, and the attempt to bring them into line with the electoral rules of the central and provincial legislatures resulted in the importation of various obscurities which were contained in the general rules and had required elucidation in numerous election petition proceedings. The rules of 1930 have been accompanied by fairly detailed instructions as to the working of certain pro-

Vide Part II.

<sup>1.</sup> Vitte Latt II.
2. P. G. Notification No. 18030, dated 28th May, 1930.
3. P. G. Notification No. 2490, dated 11th August, 1926.
4. P. G. Notification No. 17877, dated 25th September 1917, as subsequently amended.

P. G. Notification No. 366, dated 19th May 1913 as subsequently amended,

visions issued by the Ministry of Local Self-government in notes on the Municipal Election Rules 1930<sup>1</sup>. Some further examination of the rules may, however, be of use to those who are concerned with municipal elections as the Ministry's instructions are by no means exhaustive.

The first point to which attention may be directed is that no particular dates are fixed, as was done in the elec-Programme of 1917 rules, for the various stages of the protion proceedings. ceedings concerned with the revision of electoral rolls and the holding of elections. In the note to rule 3 contained in the Ministry's instructions the considerations which should influence a Deputy Commissioner in fixing the dates for a general election are set forth and the desirability of arranging so that there shall be no hiatus between one committee and its successor is stressed. Rule 3 requires that notice of the date of the first day's polling shall be given at least six weeks before hand and while Deputy Commissioners must of course decide in good time the approximate date to be fixed, it is undesirable to settle anything precisely at too early a stage of the proceedings, and no definite programme should be announced until the rolls have actually been prepared and are ready for publication. Ministry's Notes contain detailed instructions as to the methods by which the preliminary electoral rolls are to be prepared, and as the process is likely to take longer than has been customary in the past, ample time should be allowed for it and for the printing of the rolls on completion. Once the preliminary rolls are published the election must under rule 8 (1) take place within 120 days, and as various maximum and minimum intervals between different stages of the proceedings are laid down a detailed programme should be carefully worked out so as to ensure that no such material irregularity shall occur as may vitiate the whole proceedings. In drawing up such a programme it is desirable to work both forwards from the date of the preliminary publication of the rolls and backwards from the date of the first day of polling. Rule 8 (1) requires that when the preliminary rolls are published a notice shall be published at the same time intimating the latest date by which claims and objections may be presented to the Revising Authorities. That date must be not less than 21 days from the date of the notice and as there cannot ordinarily be any reason for allowing a longer period for the presentation of claims and objections the 21st day should generally be fixed. Rule 11 requires Authorities on the expiry of the period Revising for the presentation claims and objections forthwith of publish a notice intimating the dates on which claims objections will be heard. Such notice should, therefore, be published on the 22nd day from the date of the publication of the preliminary rolls. The dates to be fixed for the hearing of claims and objections must be not less than 7 or more than 28 days from the date of the notice issued under rule 11, and as the hearing of claims and objections is likely to take a considerable time, it may be

<sup>1.</sup> Vide P. G. letter No. 21430, (L. S. G.-Comts.), dated 10th July, 1930.

assumed that the full period allowed will be required. The hearing of claims and objections will, therefore, take place from the 29th to the 50th day after the publication of the preliminary rolls. Revising Authorities have then under rule 13 (1) to forward to the Deputy Commissioner not later than 30 days from the date by which claims and objections had to be presented a list of all claims and objections with their decision thereon. This must therefore be done on the 51st day after the publication of the preliminary rolls and there are thus 68 days left before the first day on which polling must take place. At this stage an interval of undetermined length must supervene while the Deputy Commissioner hears applications for revision of the orders of Revising Authorities and then has the preliminary rolls re-printed with the necessary corrections incorporated. Then follows the re-publication of the rolls. This must precede by at least 7 days the date fixed for the nomination of candidates and the latter must be at least 20 days before the first day of polling. The re-publication of rolls must, therefore, take place at least 27 days before the first day of polling, and if the shortest possible interval between the re-publication of the rolls and polling were desirable, re-publication would take place on the 93rd day after the preliminary publication, thus allowing 42 days for the Deputy Commissioner to hear applications for the revision of the orders of Revising Authorities and to have the preliminary rolls re-printed. This is clearly more than would ordinarily be required and part of the time may well be utilized at a later stage. Where this can most advantageously be done may be seen by working backwards from the polling day. Rule 26 (1) requires publication of the list of polling stations not less than 7 days before the first day of polling. This list cannot conveniently be published till it is known in what constituencies polling is to take place, i. e., till the list of valid nominations is ready. Under rule 22 (1) the list of valid nominations cannot be published till the expiry of the period allowed for withdrawal of candidatures, i. e., till the third day after the date fixed for the scrutiny of nominations (rule 18), while the date fixed for the scrutiny of nominations must, under rule 15, be not more than seven days after the date fixed for nominations. It is probably desirable in most cases to allow the maximum 7 days between the date for nominations and the date for scrutiny, so that a period of 17 days must elapse between the date for nominations and the first day of polling. Rule 15, however, requires an interval of at least 20 days and it must be remembered that between the publication of the list of valid nominations and the first day of polling the ballot papers have to be printed and, unless the election is at headquarters, sent out to the municipality concerned. It is, therefore, desirable to allow about a fortnight at this stage. The interval between the date for nominations and the first day of polling should, therefore, be about 24 days. Intimation of the date for nominations must, under rule 15, be given at least 15 days beforehand and this much notice should ordinarily be sufficient, provided that the re-publication of the rolls has already taken place so that no one will have to wait to make certain that any person whom it is desired to nominate is a registered voter. If, therefore, the publication of the 

notice as to the date for nominations takes place at the same time as the re-publication of the electoral rolls the latter should be effected on the 39th day before the first day of polling. It would, however, be convenient to publish the whole programme of events at the same time, and as rule 3 requires six weeks' notice to be given of the date of the first day of polling, it would be desirable to arrange for republication of the rolls 42 days before the first day of polling. Assuming therefore that the maximum period of 120 days from the publication of the preliminary rolls to the first day of polling is to be allowed, re-publication of the rolls should take place on the 78th day from preliminary publication. It is, of course, not necessary to delay re-publication so long if the re-printed rolls are ready sooner, but as only 27 days will now be available for the hearing by the Deputy Commissioner of applications for revision of the orders of Revising Authorities and for the re-printing of the rolls, it is probably desirable in most cases to adhere to the programme suggested above. A typical programme of the proceedings would then be as follows:-

### Typical Election Programme.

- Preliminary publication of electoral rolls together with notice1 of the last date by which claims and objections may be presented and names of Revising Authorities [Rule 8 (1)] ... Friday, 1st August.
- Last date by which claims or objections may be presented [not less than 21 days from the date of the notice in (1) above-vide rule 8 (1) ... Friday, 22nd August.
- Posting by Revising Authorities of lists of claims and objections and notices<sup>2</sup> as to dates on which claims and objections will be heard Rule 11 ... Saturday, 23rd August.
- Hearing of claims and objections by Revising Authorities [not less than 7 or more than 28 days from the date of the notice in (3) abovevide rule 11] ... Saturday, 30th August to Saturday, 20th September.
- Last date for Revising Authorities to forward to Deputy Commissioners

For form of notice prescribed by the Ministry of Local Self-Government vide Note 5 to rule 8.

2. For form of notice prescribed by the Ministry of Local Self-Government

vide Note to rule 11.

lists of claims and objections and their orders thereon [not later than 30 days from the date by which claims and objections must be presented—

vide rule 13 (1)] ...¹Monday, 22nd September.

- 6. Re-publication of electoral rolls
  [Rule 13 (1)] and publication of
  notices as to the date or dates of
  the election [Rule 3] and as to the
  dates from nominations and scrutiny
  of nominations—vide [Rule 15] ...Saturday, 18th October.
- 7. Date for nominations [not less than 15 days from the date of the notice under (6) above—vide rule 15] ...Monday, 3rd November.
- 8. Posting of list of nominations [the second day succeeding the date for nominations—vide rule 19] ... Wednesday, 5th Nov.
- 9. Date for scrutiny of nominations [not more than] 7 days after the date for nominations—vide rule 15] ... Wednesday, 12th Nov.
- 10. Last day for withdrawals of candidature [the third day succeeding the date for scrutiny of nominations—vide rule 18] ...Saturday, 15th Nov.
- 11. Publication of list of valid nominations [Rule 22 (1)] and list of polling stations [Rule 26 (1)] ...Monday, 17th November.
- 12. First day of polling

...<sup>2</sup>Saturday, 29th November

5. When the elections are over the Deputy Commissioner has to forward a list of the elected candidates to the Commissioner with a view to their election being notified in the Gazette. This must be done whatever allegations of corrupt practices or irregularities may be made in respect of the election of any candidate, as section 24 of the Act requires all elections to be notified except in certain circumstances stated in the proviso to that section, when the Local Government in the case of a first class municipality or the Commissioner with the previous sanction

<sup>1.</sup> As the thirtieth day would be a Sunday, compliance with the rule or the thirty-first day is permissible under the Punjab General Clauses Act, 1898.

<sup>2.</sup> Polling would have to begin on 29th November in spite of its being a Saturday if the first day of polling is not to be more than 120 days from the date of the preliminary publication of electoral rolls.

of the Local Government in other cases may refuse to notify an election.<sup>1</sup> When forwarding the names of elected candidates Deputy Commissioners should at the same time forward their recommendations with regard to the persons to be appointed as members. In Punjab Government Letter No 17664-L. S. G./Comts., dated 23rd June, 1927, Deputy Commissioners have been instructed to follow the same procedure in respect of recommendations for appointments to municipal committees as was laid down in Punjab Government (Ministry of Elucation) letter No. 4886-L. S. G./Boards, dated 23rd February, 1925. in respect of recommendations for appointments to district boards. When making recommendations, therefore, Deputy Commissioners should note the qualifications of each person recommended in consideration of which it is thought that he should be appointed a member. At the same time the names of additional persons together with notes as to their qualifications should be submitted so that before arriving at a decision Government, or the Commissioner, as the case may be may be in a position to appreciate the claims of all who may be considered candidates for appointment. In considering the qualifications for appointment of a new member regard should be had to the extent to which he has displayed interest and initiative in promting the cause of education, medical relief, public health or any of the other causes with which the promotion of the prosperity and welfare of his town is bound up. He should, moreover, be a man of some status whose opinions will command respect. In appraising the qua ifications for re-appointment of an existing member, in addition to consideration of the matters referred to above, particular attention should be devoted to his conduct as a member, and it should be noted whether he has been assiduous in attendance at meetings of the committee or of sub-committees, whether his contributions to the discussion of questions brought before the committee or sub committees have been of any value or not and whether he has displayed any initiative in recommending measures of progress or reform. Thus recommendations should be made first and foremost in the interests of the local body concerned and not with the idea of rewarding general services unconnected with local self-government administration, and it is only when other relevant qualifications are equal that consideration should be had to the services rendered by candidates in other spheres of administration. Draft notifications of the election or appointment of members should be forwarded in the following form (Punjab Government (Ministry of Education) letter No. 229-L S. G./Comts., dated 9th January, 1925]:-

#### Draft Notification.

In pursuance of the provisions of section 24 of the Punjab. Municipal Act, 1911, it is hereby notified that the following person

<sup>1.</sup> Vide footnote (1) on page 3, If in the circumstances there referred to the Deputy C mmissioner wishes to delay the issue of the notification he should make a report, giving his reasons, when he f rwards his draft notifications.

(or persons) has (or have) been  $\frac{appointed}{elected}$  a member (or members) of the municipal committee of in the district (\*vice deceased (or resigned or removed))

\*to be added when the appointment or election is made under section 17 of the Act to fill a casual vacancy.

Draft notifications with regard to the appointment and election of new members of municipal committee should be accompanied by a report citing the notifications gazetting the old members whom it is proposed to replace. (Punjab Government Circular letter No. 69 of Notifications by Commissioners are published in Part I-B of the Punjab Government Gazette. Notifications intended for publication in this part should be forwarded direct to the Superintendent of the Government Press. No covering docket need be sent: it is sufficient to inscribe in red ink upon each notification the words "for publication in Part I-B of the Punjab Gazette." A number date according to the series of the Commissioner's office should be given to each notification before sent to the Press. The Superintendent of the Press furnishes a suitable number of printed copies of each notification to Commissioners for subsequent use and distribution. (Punjab Government Circular No. 14 of 1891). Deputy Commissioners should be particularly careful to see that in all draft notifications it is indicated in the list of persons whose name ends in "Singh" whether they are Sikhs or not. Failure to give this information causes much unnecessary trouble and corespondence when questions arise as to the communal composition of local bodies.

Part VI of the Municipal Election Rules, 1930, relates to election petitions and enquiries, and it is Election petitions. provided that an election petition against the return of a candidate at a municipal election, or against an unsuccessful candidate with a view to his disqualification under rule 92, may be made by another candidate at that election or by not less than five persons whose names are registered on the electoral roll of the constituency concerned. The petition may be made on the ground either of a corrupt practice or of a material irregularity in the election procedure: it must be made to the Deputy Com-missioner or an Assistant Commissioner or Extra Assistant Commissioner appointed by the Deputy Commissioner in this behalf within fourteen days after the day on which the result of the election was declared. A deposit of Rs. 250 or Rs. 500 according to the municipality concerned, has also to be made at the time of presentation of the petition. The Deputy Commissioner is required to forward every petition which he receives to the Local Government and if any of the provisions referred to above has not been complied with the

<sup>1. &</sup>quot;Corrupt practice" is exhaustively defined in the rules.

Local Government must dismiss the petition. When forwarding a petition the Deputy Commissioner should therefore report.

- (a) the date on which the petition was presented to him and the date on which the result of the election was declared;
- (b) whether the petitioner was a candidate at the election, or, if there are 5 or more objectors, whether they are registered on the electoral roll of the constituency concerned, and
- (c) whether the necessary deposit was made at the time of presentation of the petition.

Deputy Commissioners should also suggest the name of an officer to be appointed as the commission to hold the inquiry.<sup>1</sup>

- 7. Officers appointed to enquire into election petitions should be provided with copies of Hammond's Indian Election enquiries. Election Petitions for guidance in respect of many of the points which may be raised in such petitions and for reference to rulings which will no doubt be quoted by counsel who appear in such cases. No attempt can be made here to give a digest of such rulings but reference may be made to a few of the more important points on which findings have been given by Election Commissioners.
- (1) An election court cannot go behind the order of Government appointing it to hold an enquiry and refer back a petition on the ground that it was not in proper form. (The West Berar case No. V in Volume I of Hammond's Indian Election Petitions).<sup>2</sup>
- (2) An election court cannot go behind the decision of a Revising Authority as to whether a man's name should be registered on an electoral roll or not, and an election cannot be questioned on the ground that its result was materially affected by a Revising Authority's failure to comply with the rules as to the disposal of claims and objections in respect of electoral rolls. (The North Bhagalpur Case No. IV in Volume I of Hammond's Indian Election Petitions—cf. also the Purnea case No. XV ib.) This is also now specifically provided in rule 12 (3) of the rules.
- (3) Improper rejection of a nomination must necessarily make an election void but improper acceptance of a nomination need not do so but must be proved to have materially affected the result of the election. (*Vide* the Attock case No. 1 in Volume I of Hammond's

<sup>1.</sup> P. G. letter No. 27051, dated 28th October 1927.
2. Vide also the Salem and Coimbatore-Arcot case No. XVIII in Volume I of Hammond's Indian Election Petitions and the Aligarh, Mathra and Agra, Districts case No. IV in Volume II.

Indian Election Petitions: the Purnea case No. XV ib: the Rohtak case No. XVI ib: the Shahabad (Central) case No. XIX ib: the Aligarh District West case No. III, in Volume II of Hammond's Indian Election Petitions: the Belgaum District case No. VIII ib.)

- (4) As regards material irregularities in the conduct of elections and departures from the provisions of the rules, reference should be made to the judgment in the case reported in XLVII, Indian Law Reports (Calcutta), 524 where the whole matter is discussed at length. The general principle on which decisions should be made in such cases is laid down in the following passage of a judgment delivered by Kennedy and Darling, JJ. in (1901) 5 O'M & H. 125, which is quoted in the judgment referred to:—
- "An election ought not to be held void by reason of transgressions of the law, committed without any corrupt motive by the returning officer or his subordinates in the conduct of the election. where the Court is satisfied that the election was, notwithstanding these transgressions, an election really and in substance conducted under the existing election laws, and that the result of the election, that is. the success of the one candidate over the other, was not and could not have been affected by these transgressions. If, on the other hand, the transgressions of the law by the officials being admitted, the Court sees that the effect of the transgressions was such that the election was not really conducted under the existing election laws, or it is open to reasonable doubt whether these transgressions may not have effected the result, and it is uncertain whether the candidate who has been returned has really been elected by the majority of persons voting in accordance with the laws in force relating to election, the Court is then bound to declare the election void."
- 8. As there have been several instances in which civil courts

  Power of civil courts to interfere with elaction proceedings.

  Commissioners from holding elections pending the decision of suits as to the eligibility of candidates for election and other such matters, it is decirable to state what appears to be the player on the subject of

it is desirable to state what appears to be the law on the subject of the intervention of civil courts in election proceedings, so that Deputy Commissioners may be in a position to reply to notices which may be issued to them. Such notices generally issue only two or three days before the election is to be held, and there is, therefore, no time to obtain the advice of the Legal Remembrancer to Government. The questions which need consideration are two, first in what classes of cases, if any, have the civil courts any jurisdiction, and secondly, in what classes of cases if any may the courts issue temporary injunctions to restrain any one from doing any particular thing in connection with an election. As regards the first of these questions the general proposition is well established that when an authority is set up by statute to determine questions as to rights created by the statute the jurisdiction of that authority is exclusive and civil courts have no jurisdiction. Thus in XXXI Indian Law Reports (Bombay) 609 it

was held that " when a special tribunal out of the ordinary course is appointed by an Act to determine questions as to rights which are created by that Act, then except so far as otherwise expressly provided or necessarily implied, that tribunal's jurisdiction to determine those questions is exclusive. It is an essential condition of those rights that they should be determined by the Act to which they owe their existence. In such a case there is no ouster of the jurisdiction of the ordinary courts, for they never had any." Similarly in XLVII I. L. R. (Allahabad), 532 it was held that "the ordinary rule is that when the statute which creates a right also prescribes a specific remedy, the person aggrieved is limited to the remedy so prescribed......a separate suit if permitted might result in an opposite decision equally final and equally binding, one declaring an election valid and the other declaring it invalid." So too in LIX Indian Cases 251, it was held that "the machinery for the conduct of elections provided by the rules framed under the Act being complete in itself the jurisdiction of the ordinary civil courts to take cognizance of such a matter is ousted." This principle has recently been re-affirmed in L Indian Law Reports (Madras) 93 in which it was held that "when a public body has been created by a statute and that statute empowers Government to frame rules for its working, it is open to Government to create a forum for the purpose of deciding disputes as to elections directed to be carried out under the statute and thereby to exclude the jurisdiction of the ordinary civil courts." This general proposition would appear however to be subject to qualification to this extent, that if a special authority set up by statute refuses to exercise its jurisdiction or exercises a jurisdiction which is ultra vires the courts can interfere. Such cases must, however, be clearly distinguished from cases in which such an authority acting in exercise of its jurisdiction makes a wrong decision. Thus in LI Indian Law Reports (Calcutta) 279 it was held that the courts could not interfere in a case where a Returning Officer after due consideration of the question of the eligibility of a candidate for election rejected his nomination paper on the ground that he was ineligible, whether his decision was right or wrong. Reference was made in the judgment in this case to the principles laid down by Lord Justice Farwell in the case Rex v. the Board of Education<sup>2</sup> in which the following passage occurs: "If the tribunal has exercised the discretion entrusted to it bona fide not influenced by extraneous or irrelevant considerations and not arbitrarily or illegally the courts cannot interfere: they are not a Court of Appeal from the tribunal, but they have power to prevent the intentional usurpation or mistaken assumption of a jurisdiction

<sup>1.</sup> This ruling would appear to supply the answer to the ruling in XXIV I. L. R. (Calcutta), 107 in which it was laid down that before it could be said that the jurisdiction of the civil courts was excluded it was necessary to find that there was an enactment barring their jurisdiction, and that in the absence of any such enactment section 42 of the Specific Relief Act, which provides that any person entitled to any legal character may institute a suit against any person denying or interested to deny his title to such character, is sufficient ruthority for a suit to establish a right to vote at municipal elections or to stand as a candidate for election.

<sup>2, (1910) 2</sup> K. B. 179.

beyond that given to the tribunal by law, and also the refusal of their true jurisdiction by the adoption of extraneous considerations in arriving at their conclusion or deciding a point other than that brought before them, in which cases the courts have regarded them as declining jurisdiction." It is, however, doubtful whether any court in the Punjab could interfere even in circumstances in which such interference would be proper according to the principles enunciated above. So far as is known the question whether such interference is proper or not has been raised in India only in cases where applications have been made to High Courts for the issue of an order under section 45 of the Specific Relief Act. That section is not, however, applicable to the Lahore High Court, and it is not apparent under what other provision of any law a court could order any specific act to be done or forborne by an officer concerned with any part of the municipal election procedure, except temporarily pending decision of a suit for a declaration as to a person's legal character as a voter or candidate for election. Applying these principles it would appear that civil courts have no jurisdiction to hear suits appertaining to the following matters for the decision of which provision is made in the Municipal Election Rules, 1930:—

- (a) claims and objections with respect to entries on electoral rolls;
- (b) claims with regard to the improper acceptance or refusal of nomination papers;
- (c) claims with regard to the improper reception or refusal of a vote or the reception of any vote or any failure to comply with the provisions of the Punjab Municipal Act, 1911 or of the rules made thereunder or any mistake in the use of any form.
- 9. In cases where suits are filed for a declaration that a particular person is entitled to vote or to Reply in cases where stand as a candidate for election, etc., applitemporary injunctions are sought to stay eleccations are usually made to the court for the tion proceedings. issue of a temporary injunction restraining the officer or officers responsible for the conduct of the election from proceeding with the election pending decision of the suit. such cases, if notice is issued to the officer concerned, he should in reply to the application plead in the first instance that the court has no jurisdiction to hear the suit, or if the injunction is granted with. out notice being issued he should apply under Order XXIX rule 4 of the Civil Procedure Code to have the order of injunction set aside on this ground. If the court does not accept this view, the issue of a temporary injunction must be contested or efforts must be made to have it set aside on other grounds which will vary with each particular case. In the first place if the officer concerned is not a party to the suit, the issue of an injunction against him pending decision of the suit should be contested on that ground; for Order

XXXIX, rule 2 of the Civil Procedure Code only authorizes the issue of a temporary injunction to restrain the defendant to the suit from committing an injury to the plaintiff.<sup>1</sup>

This contention may be got round by permitting the officer concerned to be joined as a defendant to the suit, but this should he resisted, if opportunity offers and the circumstances warrant it, on the ground that the officer is not an interested party.2 If the officer is a party to the suit or is added as a party, more general grounds for resisting the issue of an injunction will have to be advanced. Reference may be made to clause (1) of section 56 of the Specific Relief Act, 1877 which prohibits the issue of an injunction when equally efficacious relief can certainly be obtained by any other usual mode of proceeding. Thus, if the plaintiff is asking for a declaration that he was duly nominated for election and that his nomination was improperly rejected, and applies for an injunction to prevent the election being held until this question is settled, it may be contended that he will suffer no irreparable harm if the election proceeds without him as a candidate, as it will be open to have the election set aside by means of an election petition, and he will then be able to stand as a candidate at the fresh election which will have to be held.<sup>3</sup> In a case where the issue of an injunction must mean the postponement of the election to a future date it may also be contended that there will be greater inconvenience in granting than in refusing the injunction4 and also, if the suit is one to establish the plaintiff's claim to be qualified for nomination as a candidate, that even if his claim is established the postponement of the election will prevent him from attaining his object. The most that his suit could establish would be that he was qualified for nomination at the time when nominations were to be made, but if the election is postponed the whole procedure will have to

<sup>1.</sup> Cf. LXXIX Indian Cases (Madras) 233.

<sup>2.</sup> cf. XXIV I.L.R. (Calcutta), 114, where in a suit for a declaration that the plaintiff was qualified to vote and stand as a candidate at a municipal election and that he had been duly elected, it was held that "no suit lay against the Magistrate who had declared the election to be void on the ground that the plaintiff was ineligible for election. What the Magistrate did was done in pursuance of or at any rate purported to be done in pursuance of authority given to him by law...... the Magistrate acted b ma fide in pursuance of what he believed to be the duties of his office and therefore he would not be liable to an action in respect of it. He would certainly not be liable to any action for damages, and as far as a declaration against him is concerned, this is not a matter in which he really had any interest."

<sup>3.</sup> cf. LXXV, Indian Cases, 428, in which it was held that a person asking the court to exercise its discretionary jurisdiction by granting a temporary injunction must make out a strong prima facie case in support of the title which he asserts, and must satisfy the court that its interference is necessary to protect him from irreparable or at least serious injury before the legal right can be established at the trial.

<sup>4.</sup> cf. LXXIX, Indian Cases 232 where the plaintiff in a suit for a declaration that the defendant was not eligible to stand for election to a municipal committee, having obtained an ad interim order staying the election, it was held that the grant of the injunction would be tantamount to granting the plaintiff the relief he sought in his suit and might do great injustice to the defendant and the ad interim order should therefore be discharged.

be gone through again and the question of his being qualified will again have to be decided by the authority appointed for the purpose under the election rules, and to this question the decision of the court as to his qualification on the previous occasion will be irrelevant.

10. A class of case may arise in which an injunction is sought to prevent a particular person from taking his Temporary injunctions seat on a committee till a suit for a declaration to prevent an elected that election was invalid has been decided. In candidate from taking his seat. such cases officers of Government would not ordinarily be involved, but attempts would have been made in such cases to obtain an injunction to restrain the Deputy Commissioner or the officer appointed by him in this behalf from administering the oath of allegiance to a newly elected member. Reference may therefore be made to cases in which it was held that the grant of a temporary in junction in such circumstances would not be proper. Thus in LXXV Indian Cases, 428, in a suit contesting the validity of a municipal election in which the plaintiff applied for a temporary injunction restraining the defendant from exercising the functions of a municipal commissioner during the pendency of a suit, it was held that the plaintiff could in no way be injured by the defendant continuing to act as a municipal commissioner during the pendency of the suit and a temporary injunction could not therefore be granted. So too in XC Indian Cases, 819, it was laid down that generally speaking temporary injunction should be confined to preserving the status quo, to preventing irremediable damage or loss to the property in the suit or to averting substantial injury: it was therefore held that no injunction can ordinarily be granted at the instance of an unsuccessful candidate for municipal election restraining his duly elected rival from taking his seat pending the disposal of civil proceedings regarding the election

Failure to take oath of allegiance within three months of election renders a member liable tyremoval.

11. The Municipal Election Rules, 1930 provide for the administration of the oath, or affirmation of allegiance within three giance prescribed by section 12-A of the Act, but neither the Act nor the rules prescribe any period within which a newly-elected member must take the oath. If, however, a member

should fail to take the oath before the expiry of three months from the date of the first meeting after his election he would be liable to removal from the committee and consequent disqualification for further election under section 16 (1) (c) and (2) of the Act.

#### CHAPTER II.

### THE CONDUCT OF BUSINESS.

# SECTION 1.—The Conduct of Meetings.

Statutory provisions as to the conduct of meetings.

Statutory provisions as to the conduct of meetings.

Statutory provisions as to the conduct of meetings and kindred matters by bye-laws made under section 31. Such bye-laws must, however, be consistent with the Act and with rules made thereunder. Bye-laws made under this section must therefore not conflict with the following statutory provisions:—

- (a) Every committee must meet at least once a month for the transaction of business—Section 25 (1).
- (b) The president or, in his absence, a vice-president may convene an ordinary or special meeting whenever he thinks fit—Section 25 (2).
- (c) Not less than one-fifth of the members of a committee may, by requisition in writing, require the president or, in his absence, a vice-president to convene an ordinary or special meeting at any time—Section 25 (2).
- (d) Certain business may only be transacted at a special meeting—vide Part I, note to section 26.
- (e) One-half of the number of members of a committee actually serving at the time but not less than three shall constitute a quorum at a special meeting, and not less than three shall constitute a quorum at an ordinary meeting—Section 27.
- (f) If at any meeting, ordinary or special, there is no quorum, the chairman shall adjourn the meeting to some other day when the business which was to have been transacted at the adjourned meeting shall be transacted whether there is a quorum present on that day or not—Proviso to section 27.
- (g) The president or, in his absence or during the vacancy of his office, the senior vice-president shall preside at each meeting as chairman. If neither president nor vice president is present, the members present may elect one of their number to act as chairman—Section 28.
- (h) All questions which come before a meeting are to be decided by a majority of the votes of the members present—Section 29.

- (i) In the event of an equality of votes the chairman of the meeting has a casting vote—Section 29.
- (j) Minutes of all proceedings of every meeting are to be recorded and signed by the chairman of the meeting or of the next ensuing meeting—Section 29.
  - (k) Members are debarred from being present at meetings when matters in which they or their near relations have a direct or indirect pecuniary interest are discussed—Rule 3 A.
  - (1) Minutes must be published in the manner required by Rule 4.
- (m) The language in which business must be conducted and proceedings recorded is regulated by Rule 3.
- 13. Provided that its bye-laws are consistent with the statutory provisions detailed above, a committee is empowered under section 31 (1) (a), (b), (c) and (d) to make bye-laws as to—
  - (a) the time and place of its meetings:
  - (b) the manner in which notice of ordinary, special and adjourned meetings shall be given:
  - (c) the quorum necessary for the transaction of business at ordinary meetings:
  - (d) the conduct of proceedings at meetings and the adjournment of meetings.
- 14. In this connection it should be observed first that only bye-laws under head (c) above required the Bye-laws under section 31 requiring approval & publication of bye-laws. approval of the Local Government or Commissioner before they take effect under section 31 (2),\* and secondly that bye-laws made under this section are subject to previous publication under section 200. All bye-laws made under this section must also subsequently be published, and the Local Government has directed that they shall be notified by Commissioners in Part I-B of the Punjab Government Gazette-Vide Part I note to section 31 (3). Bye-laws made by municipal committees of the second class under this section should, therefore, be forwarded for submission to the Commissioner with a draft notification in the following form :-

<sup>\*</sup>Note.—The function of the Local Government under section 31 (2) was delegated to Commissioners in 1912 but in view of the amendment of sub-section (1) of section 32 of the Act in 1923 such delegation must now be considered to have been made only in respect of municipalities of the second class, vide Part I, note to section 32 of the Act.

Draft Notification of Bye-laws under Section 31.

dated ).

15. The numbers and dates of notifications with which existing bye-laws under section 31 were published are shown in the following table:—

Municipality.		Notification.
Abohar	•••	No. 6226, dated 13th July, 1927.
Alipur	•••	No. 22, dated 6th January, 1891.
Ambala City		No. 23, dated 18th June, 1902; No. 21, dated 28th April, 1919; No. 51, dated 22nd September, 1920; No. 20, dated 7th September, 1922; No. 9, dated 29th February, 1924; No. 75, dated 3rd September, 1927; No. 11, dated 1st February, 1929.
Amritsar		No. 13, dated 3rd April, 1897; No. 68, dated 20th November, 1913; No. 50, dated 10th November, 1916; No. 49, dated 20th October 1917; No. 17, dated 21st March, 1918;

<sup>\*</sup>Note.—It is usually directed that bye-laws under section 31 shall come into force six weeks from the date of their notification in accordance with an old rule made by the Local Government. The rule has now been cancelled and there is no reason why bye-laws under this section should not be notified to take effect from the date of their notification. In this connection it may also be observed that in the case of bye-laws under heads (a), (b) and (d) above the Commissioner has nothing to do but to cause them to be published in the gazette and has no power to make any alterations in them or to defer their coming into force for 6 weeks unless the committee has requested that this should be done.

Municipality.	Notifications.
	No. 73, dated 8th December, 1919; No. 22, dated 5th May, 1920; No. 10, dated 31st January, 1921; No. 18, dated 23rd March 1929; No. 62, dated 2nd December, 1929; No. 68, dated 17th December, 1929.
Baghbanpura-cum- Bhogiwal	
Bahadurgarh	P.G. Gazette, Part III, dated 18th April, 1889, p. 572; No. 19, dated 18th June, 1902.
Ballabgarh	P.G. Gazette, Part III, dated 18th April, 1889, p. 572; No. 21, dated 18th June, 1902.
Banga	No. 5625, dated 9th September, 1920.
Batala	No. 790, dated 24th September, 1890; No. 27, dated 14th August, 1896.
Beri	P.G. Gazette, Part III, dated 18th April, 1889; No. 19, dated 18th June, 1902.
Bhakkar	No. 98-P. III-39, dated 10th August 1926; No. P. III-39/16, dated 19th February 1929.
Bhera	No 32-A-I-293, dated 6th June, 1930.
Bhiwani	No. 18, dated 18th June, 1902; No. 33, dated 28th March 1925; No. 47, dated 11th May, 1925; No. 42, dated 28th June, 1926; No. 71, dated 30th October, 1926.
Buriya	P. G. Gazette, Part III, dated 18th April, 1889, p. 572; No. 23, dated 18th June, 1902.
Chiniot	No. 596, dated 14th April, 1930.
Chunian	No. 1, dated 3rd January, 1896; No. 17, dated 4th June, 1897; No. 48, dated 28th October, 1905.
Dajal	No. 12, dated 2nd February, 1899; No. 1, dated 17th April, 1901.

Municipality.		Notifications.
Dalhousie		No. 695, dated 14th October, 1913.
Dera Baba Nanak	•••	No. 27, dated 24th August, 1896; No. 50, dated 30th September, 1918; No. 56, dated 18th May, 1928; No. 16, dated 23rd March, 1929.
Dera Ghazi Khan	•••	No. 4, dated 17th February, 1921; No. 157, dated 5th June, 1924.
Dharmsala		No. 5351, dated 17th August, 1918.
Dinanagar	•••	No. 27, dated 24th August, 1906; No. 33, dated 2nd August, 1926; No. 49, dated 20th April, 1928.
Dinga		No. 396, dated 16th May, 1891; No. 32, dated 4th November, 1895; No. 4, dated 25th January, 1904; No. 51-A-I-189, dated 12th May, 1925; No. 56-A-I-189, dated 25th July, 1930.
Eminabad	* • •	No. 4, dated 24th January, 1893; No. 32, dated 4th November, 1895; No. 25, dated 3rd June, 1903.
Faridabad	•••	P. G. Gazette Part III, dated 18th April, 1889, page 577; No. 21, dated 18th June, 1902.
Fazilka	•••	No. 7552, dated 18th December, 1919; No. 4510, dated 14th July, 1928.
Ferozepore		No. 5964, dated 12th August, 1930.
Firozpur-Jhirka		P. G. Gazette, Part III, dated 18th April, 1889, p. 577; No. 20, dated 18th June, 1902.
Gohana	•••	P. G. Gazette, Part III, dated 18th April, 1889, p. 572; No. 19, dated 18th June, 1902.
Gojra		No. 49, dated 23rd December, 1916; No. 133, dated 17th January, 1924.
Gujranwala		No. 32, dated 4th November, 1895; No. 35, dated 5th August, 1902; No. 5, dated 14th

Municipality.		Notifications.
		February, 1905; No. 20, dated 11th April, 1907; No. 31, dated 14th June, 1917.
Gujrat		No. 32, dated 4th November, 1895; No. 4, dated 25th January, 1904; No. 10, dated 25th March, 1914; No. 24, dated 9th October 1918; No. 3, dated 24th February, 1920; No. 32-A-I-142, dated 6th November, 1920; No. 33-A-I-113, dated 6th November, 1920; No. 23323, dated 8th September, 1933.
Gurd aspur	• •	No. 27, dated 24th August, 1896; No. 10, dated 23rd February, 1920; No. 99, dated 23rd November, 1928; No. 107, dated 7th December, 1928; No. 104, dated 29th May, 1930.
Hansi .	•	No. 18, dated 18th June, 1902; No. 70, dated 30th October, 1926; No. 23, dated 7th March, 1927.
Hazro	•••	No. 32, dated 4th November, 1895; No 23, dated 7th October, 1902; No. 2, dated 22nd January, 1903; No. 26, dated 18th July, 1911.
Hissar .		P. G. Gazette, Part III, dated 18th April, 1889, p. 561; No. 18, dated 18th June, 1902; No. 70, dated 11th July, 1925.
Hodal .	••	P. G. Gazette, Part III, dated 18th April, 1889, p. 577; No. 20, dated 18th June, 1902.
Hoshiarpur .	•	P. G. Gazette, Part III, dated 10th March, 1887; No. 673, dated 16th October, 1889; No 42, dated 22nd September, 1902; No. 11, dated 1st April, 1910.
Isa Khel .	••	No. 96-A-I-196, dated 26th November, 1927.
Jagadhri .		No. 23, dated 18th June, 1902; No. 70, dated 25th August, 1927; No. 70, dated 27th September, 1928.
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Municipality.		Notifications.
Jagraon	•••	No. 43, dated 3rd August, 1893; No. 6418-A, dated 3rd October, 1919; No. 7478, dated 3rd September, 1927; No. 1823, dated 28th March, 1929.
Jalalpur Jattan	• • •	No. 396, dated 16th May, 1891; No. 32, dated 4th November, 1895; No. 4, dated 25th January, 1904; No. 117-A-I-231, dated 29th November, 1926; No. 62-A-I-231, dated 6th November, 1928.
Jampur	•••	No. 12, dated 2nd February, 1899; No.1, dated 17th April, 1901.
Jandiala	•••	••••
Jhajjar	• • •	P. G. Gazette, Part III, dated 18th April, 1889, p. 572; No. 19, dated 18th June, 1902.
Jhang-Maghiana		No. 12, dated 30th March, 1897; No. 12, dated 20th January, 1902; No. 96, dated 16th November, 1922; No. 144, dated 14th April, 1924.
Jhelum		No. 32, dated 4th November, 1895; No. 24, dated 8th October, 1902; No. 58-A-I-191, dated 20th July, 1925; No. 75-A-I-192, dated 19th December, 1925; No. A-I-191-36, dated 22nd June, 1929.
Jullundur		No. 14, dated 3rd April, 1902; No. 2, dated 10th January, 1907; No. 40, dated 14th June 1917; No. 1212, dated 6th March, 1925; No. 7667, dated 23rd November, 1928.
Kaithal		No. 22, dated 18th June, 1902; No. 2, dated 22nd January, 1909.
Kalabagh		No. 31, dated 5th September, 1911.
Kamalia		No. 195, dated 20th March, 1889; No. 11, dated 15th March, 1897; No. 38, dated 10th September, 1902.

Municipality.		Notifications.
Karnal	•••	No. 22, dated 18th June, 1902; No. 26, dated 28th August, 1908; No. 63, dated 13th October, 1911.
Karor		No. 5, dated 30th May, 1892.
Kartarpur	•••	No. 5624, dated 9th September, 1920.
Kasur	• • •	No. 104, dated 24th October, 1927.
Khangarh	•••	No. 73, dated 10th July, 1922.
Khem Karan	• • •	No. 1, dated 3rd January 1896; No. 17, dated 4th June, 1897; No. 48, dated 26th October, 1905.
Khushab	•••	No. 32, dated 4th November 1895; No. 78 A-I-206, dated 17th March, 1926.
Kunjah	•••	No. 32, dated 4th November, 1895; No. 4, dated 25th January, 1904; No. 109-A-I-199, dated 4th September 1926.
Lahore		No. 3, dated 10th January, 1920; No. 65, dated 27th February, 1923; No. 116, dated 19th July, 1924; No. 144, dated 2nd October, 1924; No. 151, dated 6th November, 1924; No. 28401, dated 16th December, 1924; No. 2, dated 7th January 1925; No. 12, dated 13th February 1925; No. 17, dated 23rd March 1929.
Leiah	•••	No. 5, dated 30th May, 1892.
Ludhiana		No. 43, dated 3rd August 1898; No. 21, dated 3rd August, 1899; No. 7774, dated 28th November, 1928.
Lyallpur		No. 11, dated 3rd March, 1890; No. 12, dated 11th August, 1902; No. 23, dated 23rd July, 1917; No. 146, dated 21st April, 1924; No. 295, dated 26th October 1925; No. 569, dated 7th November, 1929.

Municipality.		Notifications.
Miani		No. 679, dated 22nd August, 1890; No. 32, dated 4th November, 1895.
Mianwali	•••	No. 50, dated 11th February, 1904.
Mithankot	•••	No. 12, dated 2nd February, 1899; No. 1, dated 17th April, 1901.
Moga	•••	No. 3982, dated 10th June, 1919; No. 3311, dated 18th June, 1925; No. 5058, dated 1st July 1927; No. 2876, dated 16th May, 1929; No. 7853, dated 9th December, 1929.
Montgomery	• •	No. 11, dated 15th March, 1897; No. 38, dated 10th September 1902; No. 34, dated 22nd October, 1917; No. 105, dated 21st February, 1923; No. 408, dated 22nd October, 1927.
Muktsar		No. 572, dated 22nd January, 1918.
Multan	•••	P. G. Gazette, Part III, dated 24th May, 1888; No. 255, dated 23rd April, 1890; No. 29, dated 22nd July, 1897; No. 564, dated 7th December, 1900; No. 123, dated 12th March 1901; No. 783, dated 2nd November, 1909.
Murree		No. 390, dated 25th August 1893; No. 32, dated 4th November, 1895; No. 29, dated 5th November, 1918; No. 115-A-I-15, dated 11th November, 1926.
Muzaffargarh	•••	No. 32, dated 11th October, 1917.
Nakodar	24. •••	No. 7027, dated 23rd November, 1920.
Narowal		No. 12, dated 16th Feburary, 1927; No. 52, dated 25th April, 1928.
Nurmaha		P. G. Gazette, Part III, dated 10th March, 1887; No. 14, dated 13th April, 1902; No. 58, dated 21st September, 1907.

Municipality.		Notifications.
Pakpattan		No. 195, dated 20th March, 1889; No. 11, dated 15th March 1897; No. 38, dated 10th September, 1902.
Palwal		P. G. Gazette, Part III, dated 18th April, 1889, p. 577; No. 20, dated 18th June, 1902.
Panipat	• • •	No. 28, dated 8th May, 1926.
Pasrur	•••	No. 32, dated 4th November, 1895; No. 4 dated 14th February 1902; No. 35, dated 2nd May, 1921; No. 74, dated 6th August, 1928.
Pathankot		No. 57, dated 7th August, 1925; No. 34, dated 2nd August, 1926; No. 50, dated 20th April, 1928; No. 19, dated 23rd March, 1929.
Patti	4 • • • •	No. 38, dated 30th July, 1929.
Phillaur		No. 29, dated 1st August, 1903; No. 58, dated 21st September, 1907; No. 1836, dated 14th March, 1919.
Pind Dadan	Khan	No. A-I-295/68, dated 20th December, 1929.
Pindigheb	•••	No 32, dated 4th November, 1895; No. 13, dated 6th May, 1902.
Raekot		No. 43, dated 3rd August 1918; No. 6418-B, dated 3rd October 1919; No. 24321, dated 25th April, 1929.
Rahon		P. G. Gazette, Part III, dated 10th March, 1887; No. 29, dated 1st August 1903; No. 58, dated 21st September, 1907.
Rajanpur Rawalpindi		No. 106, dated 21st February, 1923.  No. 32, dated 4th November, 1895; No. 12, dated 6th May, 1902; No. 30, dated 7th August, 1915; No. 33, dated 20th August, 1915; No. 7, dated 10th April, 1918; No. 13, dated 6th February, 1919; No. 15, dated 7th February, 1919; No. 2-A-I-102, dated 17th January, 1923; No. 48-A-I-102, dated 4th May, 1925.

Municipality.	Notifications.
Rewari	No. 79, dated 15th November, 1894; No. 20, dated 18th June, 1902; No. 8, dated 19th February, 1924.
Rohtak	No. 19, dated 18th June 1902; No. 9, dated 30th January, 1929.
Rupar	No. 16, dated 1st February, 1892; No. 23, dated 18th June, 1902.
Sadhaura .	P. G. Gazette, Part III, dated 18th April, 1889, p. 572; No. 23, dated 18th June, 1902.
Sahiwal .	No. 679, dated 22nd August, 1890; No. 32, dated 4th November, 1895; No. 121-A-I, 256, dated 5th December, 1926.
Sargodha .	No. 1, dated 13th January 1920; No. 9, dated 8th March 1920; No. 35-A-I-99, dated 14th December, 1920; No. 77-A-I-99, dated 21st January, 1926; No. 97-A-I-99, dated 9th August, 1926; No. 47-A-VI-61-C, dated 18th August, 1928.
Shahabad	No. 22, dated 18th June, 1902; No. 25, dated 25th April, 1910.
Sharakpur	No 1, dated 3rd January, 1896; No. 17, dated 4th June, 1897; No. 48, dated 26th October, 1905; No. 37, dated 20th July, 1929.
Sheikhupura	No. 27269, dated 22nd September, 1930.
Shujabad	No. 158, dated 24th February, 1886; No. 19, dated 28th June, 1897.
Sialkot	No. 41, dated 14th June, 1919; No. 5, dated 23rd January, 1920; No. 24, dated 6th April, 1922; No. 44, dated 1st September, 1923.
Simla .	No. 104, dated 15th February, 1897; No. 534, dated 28th October, 1897; No. 139, dated 30th March, 1899; No. 310, dated 8th August, 1901; No. 207, dated 29th April, 1902.

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Model business bye-laws were published in Punjab Government Notification No. 7079, dated 7th March, 1924, for the guidance of municipal committees, but since publication they have been found capable of improvement: they were moreover defective in that they did not provide for the appointment of, or distribution of work among, sub-committees or for the relations between sub-committees and the committee. A second set of model bye-laws dealing with these matters were accordingly circulated with Punjab Government letter No. 2317 (L. S. G.—Comts.), dated 23rd January, 1926, and in the following model bye-laws these two sets are combined with such amendments as have since been found desirable:—

# Model Business Bye-laws.

### PART I.—GENERAL.

1. Ordinary meetings of the committee shall ordinarily be held on (day of the week on date of the month) at (hour) at (place), but the president or, in his absence, a vice-president, or, if no president or vice-president has yet been elected, the secretary may convene un ordinary or special meeting of the committee at any time or place.

Note. - (1) Under section 25 (1) of the Act every committee must meet at least once a month for the transaction of business.

(2) Under section 25 (2) of the Act not less than one-fifth of the

members of the committee may, by requisition in writing, require an ordinary or special meeting of the committee to be convened at any time.

- 2. (1) When a meeting is to be convened notice thereof shall be sent to every member ordinarily three clear days before the date of the meeting and in any case at least one clear day before such date: provided that if a meeting is being convened for the purpose of electing the president or a vice-president not less than two clear days' notice shall be given and notwithstanding anything contained in bye-laws no such election shall be held at any meeting unless such notice has been given.\(^1\)
- (2) Every such notice shall state the time, date and place fixed for the meeting and shall be signed by the president, a vice-president or the secretary, and shall be accompanied by a duly attested list of business, hereinafter called "the agenda," to be transacted at the meeting.
- (3) If it is necessary to adjourn a meeting the chairman of the meeting shall give notice at the place of meeting, of the place, time and date to which the meeting is adjourned, and notice thereof shall, as soon as may be, be sent to every member of the committee not present at the meeting adjourned: provided that it shall be lawful for the president or in his absence the vice-president in an emergency to alter with due notice the place, time and date so fixed.
- 3. (1) The agenda shall include every matter that any member may desire to put before a meeting: provided that a copy of the motion thereon signed by such member and by a seconder has been delivered to the secretary of the committee at the committee's office at least seven clear days before the meeting: provided further that the president may, for reasons to be recorded in writing, refuse to permit any matter to be placed on the agenda if he considers that the matter is one with which the committee is not concerned or is otherwise not suitable for discussion at a meeting of the committee: provided further that no motion shall be placed on the agenda which raises a question substantially identical with one on which the committee has given a decision within the preceding six months, except in compliance with an order of the Local Government or of the Commissioner or Deputy Commissioner or with the permission in writing of the President.
- (2) Any member aggrieved by the refusal of the president to allow any matter to be placed on the agenda may appeal to the Deputy Commissioner whose decision as to whether the matter may be so placed or not shall be final.
  - (3) The files of all cases on the agenda of a meeting shall be

<sup>1.</sup> Vide P. G. letter No. 17541—L. S. G., dated 29th May, 1928.

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made available for inspection in the Secretary's office immediately after the despatch of notices convening a meeting.

- 4. No business shall be transacted at any meeting of a committee unless at least [three] members are present: provided that if at any meeting there is no quorum the chairman may adjourn the meeting in accordance with the provisions of clause (3) of bye-law 2 to a subsequent date and on such subsequent date the agenda may be disposed of whether a quorum is present or not.
- 5. The proceedings of every meeting shall commence with a motion by the chairman that the minutes of the previous meeting be confirmed: such minutes shall ordinarily be taken as read, but if for any reason they have not been previously circulated to the members they shall be read before they are taken into consideration, and any member who was present at the previous meeting may object to the confirmation of the minutes by moving an amendment on the ground that any matter is not correctly recorded or expressed.
- 6. The items on the agenda shall then be dealt with in the order in which they there appear in the notice: provided that the chairman, with the consent of the majority of the members present, may vary such order or bring before the meeting any matter not included in the agenda.
- 7. The chairman shall decide all points of order or procedure and his decision shall be final: whenever he rises to speak, any member speaking shall resume his seat.
- 8. If more than one member rise to speak at the same time, the chairman shall name the member who is to speak.
- 9. Members when speaking shall stand and address the chairman and except on a point of order, or personal explanation, the member speaking shall not be interrupted by any member other than the chairman.
  - 10. No speech shall be read.
- 11. So far as is possible and consistent with the matter under discussion no member shall direct personal or objectionable remarks at any other member: for the purpose of this bye-law the ruling of the chairman shall be final.
- 12. A member desiring to raise a point of order or make a personal explanation shall rise and address the chairman: the member speaking shall then give way, and remain seated until the chairman has decided the point raised: provided that the chairman may permit any other member including the member called to order to speak on the said point.

- 13. If the meeting refuses to obey the ruling of the chairman on any matter he may adjourn it at once; and when he has leclared the meeting adjourned on this or any ground, the subsequent proceedings of the meeting or any residue thereof shall be void and shall not appear in the minutes.
- 14. The chairman, after calling the attention of the meeting to the conduct of a member who persists in stating or in arguing upon a matter which is, in the opinion of the chairman irrelevant or in repeating his own arguments or the arguments used by other members, may direct him to discontinue his speech.
- 15. The chairman may direct any member, whose conduct is in his opinion grossly disorderly, to withdraw immediately from the meeting and any member so ordered to withdraw shall do so forthwith and shall unless recalled by the chairman absent himself during the remainder of the meeting: the chairman may cause to be summarily removed any member who disobeys an order to withdraw made under this bye-law.
- 16. If any member wishes to move a motion in respect of any item on the agenda he shall read out his motion and if any other member thereupon seconds, the motion, the motion shall be deemed to be before the house, and the mover of the motion shall then, if he so desires, speak in support thereof and shall be followed by the seconder of the motion if such seconder wishes to speak at this stage: and if no member seconds a motion which has been moved such motion shall be deemed to have been rejected by the committee.
- 17. A member may speak only once to each motion, provided that the mover or seconder of a substantive motion may reply at the conclusion of the debate: provided further that the chairman of the meeting may at any time permit a member who has already spoken to make a brief explanation.
- 18. After a substantive motion has been proposed and seconded and the mover and seconder have. if they so desired, spoken in support thereof, any member may move an amendment and the provisions of bye-laws 16 and 17 shall apply to such an amendment as if it were a substantive motion.
- 19. Any number of amendments may be before a meeting at the same time but they shall be put to the vote in the reverse order to that in which they were moved, and when all the amendments have been disposed of the substantive motion as originally moved or as amended, as the case may be, shall be put to the vote.
- 20. Notwithstanding anything contained in bye-law 17 a member who has already spoken to a substantive motion may speak on an amendment thereto, provided that in so speaking he shall

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Part III

- 21. No motion or amendment shall be withdrawn except with the consent of the meeting.
- 22. When a motion or amendment is to be voted on, the chairman shall read out the motion or amendment and shall request those in favour of the motion to signify their assent and those not in favour of the motion to signify their dissent and shall thereafter declare whether the motion has been carried or lost and such declaration shall be sufficient warrant for making an entry to that effect in the minutes: provided that if as soon as such a declaration has been made a poll is demanded by any member present, a poll shall be taken by show of hands and the result of such poll as declared by the chairman shall be deemed to be the resolution of the committee.
- 23. Any officer of Government or other person, not being a member of the committee may, with the consent of the majority of the members present at a meeting, address the meeting with reference to any item on the agenda.
- 24. All meetings of the committee shall be open to reporters of the press and at the discretion of the chairman to the public: provided that the chairman may at any time require any reporter or member of the public to withdraw if he considers that such withdrawal is desirable in the public interest, and no reporter or member of the public present at a meeting shall make any noise or in any way express approval or disapproval of the proceedings of the committee or of any member thereof, and if any person makes any such noise or in any other way interrupts the business of the meeting the chairman may cause him to be summarily removed from the building in which the meeting is being held.
- 25. Any member of a sub-committee or any member charged with the performance of any special duty may inspect the papers relating to the business of such sub-committee or to such special duty at the Secretary's office during office hours, and any other member may at the Secretary's office during office hours inspect the papers relating to the agenda of any meeting of which notice has been given and, with the permission in writing of the president or in his absence of a vice-president, any other document, register or record in respect of which he has submitted in writing an application for permission to inspect.

#### PART II.—SUB-COMMITTEES.)

- 1. There shall be the following sub-committees, namely:
- (a) the Finance sub-committee;
- (b) the Municipal Works sub-committee;

- (c) the Buildings sub-committee;
- (d) the Education sub-committee;
- (e) the Medical and Public Health sub-committee;
- (f) the Octroi (or Terminal Tax) sub-committee;
- (g) the Vehicles sub-committee.
- 2. The Finance sub-committee shall consist of the President of the Committee, who shall be ex-officio Chairman of the sub-committee, and members elected by the Committee, and the Secretary of the Committee shall be ex-officio Secretary of this sub-committee.
- 3. The Municipal Works sub-committee shall consist of members elected by the Committee, and the Municipal Engineer shall be *ex-officio* Secretary of this sub-committee.
- 4. The Buildings sub-committee shall consist of members elected by the Committee and the Secretary of the Committee shall be *ex-officio* Secretary of this sub-committee.
- 5. The Education sub-committee shall consist of members elected by the Committee, and the Head Clerk of the Education Department of the Committee shall be *ex-officio* Secretary of this sub-committee.
- 6. The Medical and Public Health sub-committee shall consist of (\*the Civil Surgeon, who shall be ex-officio Chairman of the sub-committee and) members elected by the Committee, (†and the Medical Officer of Health shall be ex-officio Secretary of this sub-committee).
- 7. The Octroi (or Terminal Tax) sub-committee shall consist of members elected by the Committee, and the Octroi (or Terminal Tax) Superintendent shall be ex-officio Secretary of this sub-committee.
- 8. The Vehicles sub committee shall consist of members elected by the committee, and a clerk shall be appointed by the Secretary of the Committee to act as Secretary of this sub-committee.
- 9. Members of sub-committees shall be elected at a general meeting of the Committee as soon as may be after a new Committee

<sup>\*</sup>I he words in brackets should be omitted if the Civil Surgeon is not a member of the Committee.

†The words in brackets should be omitted if there is no Medical Officer of Health.

has been constituted and shall hold office for one year from the date of their election: in the second and third years of the Committee's existence the election of members of sub-committees shall be held at such a date as to allow the new members to take their seats as members of the sub-committees as soon as the term of office of their predecessors has expired: an out-going member of a sub-committee shall be eligible for re-election.

- 10. Subject to the provisions of bye-laws 2 and 6 the members of a sub-committee shall elect one of themselves to be Chairman of the sub-committee, and the Chairman so elected shall preside at all meetings of the sub-committee: provided that if he is not able to be present at a meeting the members present shall elect one of themselves to preside at that meeting.
- 11. Every sub-committee shall meet at least times a month, and notice of every meeting shall be sent to each member by the Secretary of the sub-committee under the orders of the Chairman, together with a copy of the Agenda to be discussed at the meeting.
- 12. No business shall be transacted at any meeting of a sub-committee unless at least two-thirds of the members of the sub-committee are present.
- 13. The procedure of every sub-committee shall, so far as may be, be conducted in accordance with the bye-laws regulating the procedure of the Committee.
- 14. Nothing in these bye-laws shall be deemed to authorize any sub-committee to exercise any power or perform any function the exercise or performance of which has been delegated by the Committee to any officer or has been vested in any officer by any rule made under the Act as to require that any matter in respect of which any such power or function has been so delegated shall be submitted to a sub-committee.
- 15. Subject to the provisions of bye-law 14 the Finance subcommittee shall be responsible for the preparation of the annual budget of the Committee, and to it shall be submitted all matters relating to the imposition, assessment and collection of taxes [\*other than octroi (or terminal tax) or taxes on vehicles or animals], the sale or lease of municipal immovable property or immovable property of Government managed by the Committee, the raising of loans, establishment, other than establishment of the Municipal Works, Education, Medical, Public Health or Octroi (or Terminal Tax) Department, and accounts other than special departmental accounts.

<sup>\*</sup>These words should be omitted if no Octroi or Terminal Tax sub-committee or on Vehicles sub-committee is appointed.

- 16. To the Municipal Works sub-committee shall be submitted all matters relating to municipal works and services under the charge of the Municipal Engineer, and the establishment of the Municipal Works Department and the establishment entertained in connection with other services under the charge of the Municipal Engineer.
- 17. To the Buildings sub-committee shall be submitted all applications for permission to erect or re-erect buildings, all cases of erection or re-erection of buildings without sanction or in contravention of sanction, all applications for permission to lay out or make streets, all cases of the laying out or making of streets without sanction or in contravention of sanction, and all cases connected with encroachments on or over streets, sewers, drains or water-courses
- 18. To the Education sub-committee shall be submitted all matters relating to schools reading rooms, libraries, and the establishment connected therewith.
- 19. To the Medical and Public Health sub-committee shall be submitted all matters relating to hospitals, dispensaries, registration of vital statistics, conservancy, epidemic diseases, control of food supplies, markets, slaughter-houses, lodging-houses, cow-houses, stables and generally all matters relating to public health and services under the charge of the Medical Officer of Health and establishment entertained in connection with such matters.
- 20. To the Octroi (or Terminal Tax) sub-committee shall be submitted all matters relating to the assessment and collection of octroi (or terminal tax), the revision of the octroi (or terminal tax) schedule and establishment entertained for the assessment or collection of octroi (or terminal tax) except establishment in respect of which powers have been delegated to an officer, provided that nothing in this bye-law shall be deemed to authorize the sub-committee to perform any function which under the provisions of any rule made under the Act any other person is authorized or required to perform.
- 21. To the Vehicles sub-committee shall be submitted all matters relating to the licensing or taxation of vehicles or animals.
- 22. If any matter is submitted to a sub-committee in respect of which the committee has delegated its powers to the sub-committee, the sub-committee shall pass orders in respect of such matter, and its orders shall not be subject to revision by the Committee: in all other cases in which the orders of the Committee are required, the sub-committee shall make a recommendation to the Committee.
- 23. (1) A copy of the proceedings of every meeting of a sub-committee signed by the Chairman of the sub-committee shall be forwarded by the Secretary of the sub-committee to the Secretary of

the Committee for inclusion in the agenda of the next meeting of the Committee.

(2) When the proceedings of a sub-committee are being considered by the Committee, no discussion shall be permitted of any item in respect of which the sub-committee has passed orders in exercise of a power delegated to it by the Committee, or of any item in respect of which the sub-committee has called for a further report or otherwise postponed passing an order or making a recommendation, and any such item shall be recorded merely as 'Read': provided that any member may call in question any order of a sub-committee on the ground that it was ultra vires of the sub-committee, and if the committee considers that such order was ultra vires it may confirm, modify or cancel such order:

Provided further that if any member considers that the sub-committee is unduly delaying the decision of any matter in respect of which it has passed no order or made no recomendation, he may move a motion requiring the sub-committee to pass orders or submit its recommendation within a stated period and if such a motion is carried and the sub-committee fails to pass an order or make a recommendation within the period fixed, the Committee may itself proceed to pass orders in respect of such matter.

24. Notwithstanding anything in these bye-laws in cases of emergency, the President may direct that any matter may be submitted direct to the Committee, if there is no time for it to be submitted first to the sub-committee to which it ought ordinarily to be submitted under the provisions of these bye-laws.

Discussion of the model bye-laws re sub-committees: model bye-laws above agenda and minutes.

17. The bye-laws contained in Part II of the model bye-laws above were issued with the following note:—

"These 'model' bye-laws are intended primarily to serve as a guide to Committees as to the way in which bye-laws relating to sub-committees should be drafted and the matters for which they should provide. The actual substance of the bye-laws must depend very largely on local circumstances. Thus in some places it may be unnecessary to have so many sub-committees as are contemplated by bye-law I and it may be possible to combine two or more of the subcommittees suggested or to dispense altogether with sub-committees for certain subjects, on the other hand it may be desirable in large municipalities to have more sub-committees than are suggested. So too in the case of bye-laws 2 to 8 with regard to the composition of sub-committees and the person who should be Chairman or Secretary of each: in some places it may be desirable to make the Secretary of the Committee, Secretary of each sub-committee, but ordinarily it is preferable that the Secretary of the Committee should be Secretary only of sub-committee concerned with matters in respect of

which he is the head of the department, other heads of departments being Secretaries of the sub-committees for matters with which their respective departments are concerned.

2. The only matters in respect of which Government consider that Committees should be recommended to adhere strictly to the provisions of the model bye-laws are the matters covered by bye-laws 22 and 23. The main purpose of working through sub-committees is to expedite and facilitate the despatch of the business of the Committee, and this purpose is wholly frustrated if a committee retains jurisdiction in matters in respect of which it has delegated its powers or if discussions are permitted of matters which have been disposed of by sub-committees in exercise of delegated powers. It has been suggested that the Committee should have the power of revising the decisions of its sub-committees in matters which the President considers sufficiently important so as to prevent injustice, but to allow such power of revision would defeat the purpose of sub-committees and in many cases persons aggrieved by the decisions of a sub-committee would have a statutory right of appeal to other authorities."

In the annual review of the municipal reports and returns for 1925-26 the Ministry for Local Self-Government expressed the opinion that it would be advisable in the larger municipalities to go even further than the model by e-laws contemplate and to create the convention that in certain classes of cases where actual delegation of powers is not legal, the recommendations of sub-committees should ordinarily be accepted as a matter of course. In cases where ordinary meetings of the committee are held once a week the most convenient way of dealing with the proceedings of sub-committees would be to circulate an abstract of the proceedings of each sub-committee with the notice convening a meeting of the committee with an intimation that these sub-committee proceedings will be taken into consideration at the next following meeting. The bye-laws might then provide that if any member wishes to object to any recommendation made by a sub-committee he must give notice of a motion relating thereto at least five days before the date of the next weekly meeting: then in the agenda of the committee's meeting only those items in the proceedings of sub-committees would be entered in detail in respect of which notice of a motion had been given or which the president considered of such importance as to require detailed consideration. The following form of notice of a meeting and agenda, which is based on that used by the Council of the City of Liverpool, might then be employed:

# Municipal Committee of..............

Notice of Meeting and Agenda.

SIR,

You are summoned to attend a meeting of the Committee on (date) at (time) at (place) to take into consideration

and determine upon the following subjects, viz.:-

A. The Proceedings, Resolutions and Reports of the following sub-committees, viz.:—

# I. Finance, comprising:

- (1) Recommendation that the pay of the Secretary be raised to the scale Rs. 200 10-300 p.m. (Notice of motion given by A. B.)
- (2) Recommendation that the collection of *teh bazari* fees be formed to C. D. for the coming year for Rs. 10,000

(By order of the President).

(3) General Proceedings.

# II. Buildings, comprising -

- (1) Recommendation that the building application of E. F. be sanctioned.
  - (By order of the President, as the proposed building will encroach upon the street to a width of 2 feet for a length of 20 feet).
- (2) Recommendation that the application of G. H. for permission to erect a tannery in Mohalla Fulan be sanctioned.

(Notice of motion by I. K)

- (3) General Proceedings.
- B. Communication from the Deputy Commissioner, Commissioner or Local Government, comprising:—
  - 1. Letter from the Commissioner, No. ——dated——intimating sanction to the annual budget of the committee.

  - C. Motions, comprising:
    - 1. Motion by L. M. that the Public Health sub-committee be directed to submit a scheme for the medical inspection of school children.

2. Motion by N. O. that a special sub-committee be appointed to report on the adequacy of the police arrangements in the municipality and to make recommendations with a view to the Local Government being addressed if the existing police force is considered inadequte.

By order of the President,

P. Q.

Secretary.

The minutes of such a meeting might then be recorded as follows:—

Municipal Committee of

At a meeting of the Committee held on—at—there were present:—

- 1. A copy of the minutes of the last meeting held onhaving been sent to each member of the committee.
  - Resolved that the minutes be taken as read and confirmed accordingly.
- 2. Finance Sub-Committee Proceedings.
  - (1) With reference to the recommendation that the pay of the Secretary be raised to the scale Rs. 200—10—300 p. m.
  - It was moved by A. B. and seconded by X. Y. that the recommendation of the Finance sub-committee should not be accepted until the rates of pay drawn by Secretaries in other municipalities had been ascertained.
  - The motion was put to the committee and on the President declaring it lost a poll was demanded by A. B. and the committee divided by show of hands when the motion was again declared to be lost.
  - The recommendation of the Finance sub-committee was then put and carried and it was resolved accordingly.
  - (2) Resolved that the collection of teh bazari fees farmed to C. O. for the coming year for Rs. 10,000.
  - (3) Resolved that the remainder of the proceedings of the Finance sub-committee, so far as they require the confirmation of the committee, be approved.

- 3. Buildings Sub-Committee Proceedings.
  - (1) Resolved that the building application of E. F. be not sanctioned.
  - (2) With reference to the recommendation that the application of G. H. for permission to erect a tannery in Mohalla Fulan be sanctioned.
  - It was moved by I. K. and seconded by Y. Z. that the application be refused:
  - It was moved by A. C. and seconded by D. E., as an amendment to the motion, that the application should be refused unless G. H. gave an undertaking that skins only and not hides will be tanned.
  - The amendment having been put and declared lost, the motion of I.K. was put and declared carried and it was resolved accordingly.
  - (3) Resolved that the remainder of the Proceedings of the Buildings Sub-Committee be approved.
- 4. Communications for the Deputy Commissioners, Commissioner or Local Government.

  - (2) Punjab Government Notification No.——, dated———publishing for criticism draft rules to regulate the appointment of Health Visitors.
  - Resolved that the Public Health Sub-Committee be required to report on the draft rules by the———.

#### 5. Motions.

- (1) It was moved by L. M. and seconded by K. R. that the Public Health committee be directed to submit a scheme for the medical inspection of school children. After discussion the motion was by leave withdrawn.
- (2) Resolved that a special sub-committee consisting of the President, N. O., R. T., A. P. and G. N. is appointed to report on the adequacy of the police arrangements in the municipality and to make recommendations with a view to the Local Government being addressed if the existing police force is considered inadequate.

# SECTION 2.—Executive Administration.

The "Statement of Objects and Reasons" with reference to the delegation of powers.

In section 4 (c) of the Statement of Objects and Reasons of the Bill of 1911 the following explanation is given with regard to sections 31 (f) and (h) and 33 and 34. "The continued increase in the amount and complexity of the general administration of the large towns of the

province has proved that it is impossible to cope with the mass of current matters of routine without having recourse to delegation. Amendments have been proposed providing for (i) the delegation of executive duties, (ii) the exercise of statutory powers by members and officers of the committee, and (iii) the delegation of the whole powers of a committe, to be exercised within a specified area, to a subcommittee." This explanation exhibits some confusion of expression if not of thought. What the Act really did provide for was (a) the delegation of certain specified powers of the committee to sub-committees and specified officers (the president and vice-presidents) section 33; (b) the delegation of the whole powers of a committee, to be exercised within a specified area, to a sub-committee of members representing that area—section 34; (c) the assigning, by means of bye-laws, of executive duties to members, officers and servants of the con mittee—section 31 (1) (f) and (h); (d) the exercise of statutory powers by members, officers and servants of a committee, such powers being conferred by the Act itself and not by the committee exercising its power of delegation under section 33. In the Statement of Objects and Reasons confusion is introduced by the use of the word "delegation" in connection with executive duties and the omission of that word with reference to the exercise of statutory powers by members and officers. For a committee has no executive duties which it can delegate. A committee, as such, can do nothing but pass resolutions; it must employ individual agents to give effect to them. Secondly, the present Municipal Act differs from previous Acts not in conferring statutory powers upon officers and servants of a committee, but in providing for the delegation of the statutory powers of the committee by the committee to sub-committees and specified officers.

19. As a matter of fact certain statutory powers are conferred by the Act itself on officers and servants of a committee; such cases are not, however, numerous, and, as will be seen from the following table, are not important except in the case of the emergent powers of the president and vice-president under section 35:—

Designation of officer or servant.	Section under which the power is conferred.	Nature of the power conferred.
President	25 (2)	Power to call meetings.
	28 35 (1)	Right to preside as chairman at meetings. Power to direct the execution of any work or the doing of any act which the
		committee is empowered to execute or do and the immediate execution or doing of which is, in his opinion, neces-
· · · · · · · · · · · · · · · · · · · ·		sary for the service or safety of the public, and to direct that the expense of executing such work or doing such
		act shall be paid from the municipal fund.
	35 (2)	Power to prohibit, until the matter has been considered by the committee, the
		doing of any act which is in his opinion undesirable in the public interests, pro- vided that the act is one which the
	82	committee has power to prohibit  Power to order the sale of articles of a perishable nature seized for non-pay- ment of octroi or a toll before the lapse
		of five days from the seizure.
	208	Power to make an order in writing for a person authorised by the committee to enter on premises where illicit slaughter
	215	of animals is suspected.  Power to sign notices issued by the
Vice-president	25 (2)	committee.  Power to call meetings in the absence of the president.
	28	Right to preside as chairman at meetings in the absence of the president or during the vacancy of his office.
	35 (1) and 35 (2)	Same powers as the president in his absence or during the vacancy of his office.
	82 215	Same power as the president.  Ditto.
Secretary	94	Certain emergent powers in the case of fire.
	173 (2)	Power summarily to remove encroachments upon streets and to restore a street, to which any unauthorised damage or alteration has been done or

Designation of officer or servant.	Section under which the power is conferred	Nature of the power conferred.
Assistant secretary. Any individual member and any member of	215 215 94	made, to its original condition at the expense of the offender.  Power to sign notices issued by the committee.  Power to sign notices issued by the committee.  Certain emergent powers in the case of fire.
a fire-bri- gade. Collector of octroi or terminal tax.	82	Power to seize goods in the event of non-payment of octroi or terminal tax.
Medical Officer of Health.	96 (3)	Power to require committee to have water examined.
	107 120	Power to grant certificates regarding burial and burning grounds.  Power to certify cultivations, use of manure, irrigation, etc., are injurious to public health.
	208	Power ro make an order in writing for a person authorised by the committee to enter on premises where illicit slaughter of animals is suspected.
	215	Power to sign notices in certain cases.

Delegation of powers under sections 33 and 46.

Delegation of powers under sections 33 and 46.

Delegation of powers are more important. Power to make such delegation is conferred by sections 33, 34 and 46. Under section 46 a committee may delegate to one or more members the power

of entering into contracts of a value of not more than Rs. 500, and this is the only case in which delegation to a single member other than a president or vice-president is permissible. Such delegation was, indeed, provided for in the original draft of the Bill of 1911, but the Select Committee held that "delegation of the statutory powers of the committee to an individual member who is not president or vice-president is undesirable," and section 33 was amended accordingly. The amending Act of 1923, however, showed some advance on these

views and, while no extension of delegation to single members of a committee has been made, the desirability of delegating powers to executive officers of the committee has been recognised and section 33 has been amended so as to permit of delegation to the secretary and the medical officer of health and even, in the case of powers under section 39, to persons who are neither members nor officers or servants of the committee. The following table shows what powers may now be delegated under section 33:—

Authority to whom powers may be delegated.	Section.	Nature of power.
President, vice- president, sec- retary, medical officer of health, a sub-committee, civil surgeon of the district and any officer of the department	39	Power to employ such officers and servants other than a secretary as may be necessary or proper for the efficient execution of the committee's duties, to assign pay to and remove or dismiss any officer or servant so appointed.
of Public In-		
struction. President, vice-	72	Powers with regard to the remission of
president, secre-		taxes on unoccupied immoveable pro-
tary, or a sub-		perty.
committee.	75	Power to authorise persons to enter on any building or land for the purpose of valuation, etc.
	77	Power to authorise an officer to inspect, weigh or examine the contents of any
		conveyance or package on which octrois leviable.
	97	Power to arrange for a private domestic water-supply and to fix rates for the supply of such water.
	98	Power to arrange for a private water- supply for non-domestic purposes.
	101	Power of cutting off a water-supply in certain circumstances.
Do., and to medi- cal officer of	105	Power by notice to require the repair of a reservoir in a hill municipality.
health,	109 (1)	Powers with regard to mad and stray dogs.
	113	Power by notice to require dangerous buildings, wells, tanks, etc., to be secured.

Authority to whom powers may be delegated.	Section.	Nature of power.
	114	Power by notice to require the repair or removal of dangerous buildings, etc.
	115	Power by notice to require the cleansing of any filthy building or land.
	115-A	Power by notice to require land on which cattle, etc., are habitually tethered to be paved and drained.
Medical officer of health.	116	Power by notice to prohibit use for human habitation of building unfit for
President, vice- president, sec-	117	such use.  Power by notice to require the clearing away of noxious vegetation.
retary, medical officer of health or a sub-com-	118	Power by notice to require hedges and trees which constitute a nuisance to be trimmed.
mittee.	119	Power by notice to require untenanted buildings, becoming a nuisance to be secured or enclosed.
Do. excluding	122	Power to grant licenses for cinemato-
medical officer of health.	124	graph performances, etc.  Power to grant permission for the use of steam whistles.
Medical officer of health.	125	Power by notice to require provision or removal of drains, privies, etc.
President vice- president, sec-	126	Power by notice to require the cleansing of drains, privies, latrines, etc.
retary, medical officer of health or a sub-com-	128	Power by notice to require the removal of latrines, etc., near any source of water-supply.
mittee.	131	Power by notice to enquire abatement of nuisances arising from tanks, etc.
	142	Power to remove persons suffering from infectious diseases to hospital.
	143	Power by notice to require the disinfection of buildings and infected articles.
	145 (b) and (c)	etc., to be disinfected or destroyed.
Medical officer of health.	149	Power by notice to prohibit use of un- wholesome water, etc.
President, vice- president, sec- retary, medical officer of health or a sub-com-	166	Power to complain to a magistrate against an agriculturist failing to provide for the proper house-scavenging of buildings occupied by him.



sed.

Authority to whom powers may be delegated.	Section.	Nature of power.
Do and to medical officer of health.  Do and to medical officer of health except under clause (a) of section 205 and section 207.	169 (c)  170  173  176  191  203— 208, 210, 212	Power temporarily to close any public street or part thereof for a public purpose.  Power to grant permission for the temporary occupation of any street or land vested in the committee and to charge fees for such permission.  Power summarily to remove encroachments upon streets and to restore a street to which any unauthorised damage or alteration has been caused, to its original condition at the expense of the offender.  Power to attach lamp-brackets to the outside of buildings.  Power to require the submission of information with regard to a proposed building when no bye-laws have been made under section 189 (3).  Power to authorise persons to enter buildings and premises for the purpose of inspection, etc

21. The extent to which delegation can be resorted to is not great, but in the larger municipalities of the province the speedy and efficient despatch of

business would be greatly facilitated if much fuller use were made of such powers of delega-

tion as have now been conferred. The amendment of the Act in 1923 has made it possible to delegate powers to two of the executive officers of a committee and, though it cannot but be regarded as unfortunate that delegation to a municipal engineer has not also been allowed, it should now be possible to avoid the necessity of submitting to a general meeting a lage proportion of the trivial establishment cases which in the past have involved so much waste of time. It is curious how the idea has persisted that it would be unsafe to permit delegation to a municipal engineer. It may be admitted that in very small municipalities the engineer is usually a man of little standing and poor qualifications, but the same may be said of the secretary; and when it is remembered that a committee has perfect freedom to decide whether it will delegate power or not and

that its decision requires the sanction of higher authority, the idea that there can be any danger in making delegation to a municipal engineer possible is nothing short of ludicrous. That such a power of delegation would be useful in larger municipalities cannot be denied, for instance, in connection with the temporary closing of streets or the cutting off of water-supply, to name only two cases.

Municipalities in which powers have been delegated under section 33. 22. The extent to which committees have availed themselves of their powers of delegation is shown in the following table:—

to the second of the second			
Municipality.	Sections under which powers have been delegated.	Authority to whom powers have been delegated.	Number and date of letter sanctioning the delegation.
Alipur	114	President	Commr., Multan's No. F. 46—12-8, dated 22nd Octo- ber, 1919.
Ambala City	72	Finance sub- committee.	Commr., Ambala's No. 5778, dated 6th November, 1919.
	75, 101, 113—115, 117, 118, 122, 126, 128, 131, 142, 143, 145 (b) & (c), 166, 169 (a), 170, 173, 203—208, 210, 212.	tees, president and vice-pre- sidents.	Commr., Ambala's No. 449, dated 2 S t h January, 1921.
Amritsar	113, 117, 118	Medical Officer of Health	P. G. letter No. 29941-L. S. G., dated 27th September, 1929.
Banga	206	President	Commr., Jullundur's No. 2659, dated 11th April, 1919.
Chiniot	115, 206	President, vice-presi- dent, Sani- tary sub-com- mittee.	Commr., Multan's No. F46—12-7, dated 24th April, 1919.

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Municipality.	Sections under which powers have been delegated.	Authority to whom powers have been delegated.	Number and date of letter sanctioning the delegation.
Chunian	39, 113, 114, 115, 170, 173.	President	Commr., Lahore's No. 170, dated 25th February, 1926
	113, 114	Buildings sub-commit- tee.	Commr., Lahore's No. 738, dated 18th October, 1924.
Dalhousie	All sections permissible.	Vice-president	P. G. Memo. No. 27621, L. S. G., d a t e d 11th December, 1925.
Dera Ghazi Khan.	72, 75, 77, 97, 98, 101, 105, 113, 114, 122, 124, 128, 169 (c), 173. 109 (1), 115, 117, 118, 126, 131, 142, 143, 145 (b) & (c), 166, 170, 176, 203—208, 210—212.	Vice-presi- dent	Commr., Multan's No. F-46 —12-15, dated 26th November, 1923.
Fazilka	113, 115, 117 114	President, vice- resident, Sanitary sub- committee.  President, vice- president, P. W. D. sub-commit- tee.	Commr., Jullun- dur's No. 3714, dated 30th May, 1919
Gojra	All sections under which delegation was permissible under the Act before the amending Act of 1923 was passed.	President	Commr., Multan's No. 4441, dated 2nd September, 1914.

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Municipality.	Sections under which powers have been delegated.	Authority to whom powers have been delegated.	Number and date of letter sanctioning the delegation.
Gujrat	114	Public Works sub- committee.	Commr., Rawal- pindi's No. 4421, dated 13th Novem- ber, 1917.
Gurdaspur	75 (b), 113, 114, 122, 118, 131, 210 75 (b), 77, 109 (1), 113 —115, 117, 118, 122, 126, 166, 208, 210. 206, 207	Vice- presidents  Food and Drink sub- committee	Commr., Lahore's No. 569, dated 21st October, 1914; and No. 67, dated 10th February, 1916.
Hissar	39, 109 (1)	President and vice- president.	Commr., Ambala's No. 1689-A-18— II, dated 27th July, 1916.
Jagraon	109 (1), 115, 128, 131, 143, 203—208	President and sub- committee consisting of president, vice- president and the Assistant Surgeon.	Commr., Jullundur's No. 5048, dated the 9th August, 1920.
Jhang-cum- Maghiana.	75, 109 (1) (a) (i), 122, 143, 169 (a) 206, 208, 210, 211. 75 115, 117, 126, 128, 143, 166, 169 (a), 170, 173, 203—206, 211	President and vice-president.  Finace subcommittee.  Sanitary subcommittee.	Commr., Multan's No. 4568, dated 18th October, 1912.

Municipality.	Sections under which powers have been delegated.	Authority to whom power have been delegated.	Number and date of letter sanctioning the delegation.
	77	President	Commr., Multan's No. F-46—12-17, dated 3rd July, 1924.
		Vice- presidents	Commr., Multan's No. F-46—12-9, dated 2nd Decem- ber, 1919.
Jhelum	77, 109 (1), 113—115, 117, 118, 122, 126, 128, 131, 142, 143, 166, 169 (a), 170, 173, 176, 191, 203—208, 210—212.		Commr., Rawalpindi's No. 3627, dated 11th July 1912.
Jullundur	All sections under which delegation was permissible before the passing of the Punjab Municipal (Amendment Act, 1923.	President	Commr., Jullundur's No. 1971, dated 25th March, 1918.
Kamalia	109 (1) (a) (i), 113— 115, 117, 118, 122, 126, 128, 131, 143, 170, 173, 176, 191, 203—205, 207, 208, 210—212.	President, vice-president,a sub- committee of three members.	Commr., Multan's No. 5172, dated 27th November, 1912.
Karnal	124, 145 (b) & (c)	President	Commr., Ambala's No. 378-A-18-II L. F., dated 19th April, 1914.
Kartarpur	206	President	Commr., Jullundur's No. 3749, dated 30th May, 1919.
Kunjah	109 (1), 113, 115,117,	Sanitary sub-	Commr., Rawal-

	koolinga een vuu oo saagaan een seen Assense een een saagaa kirda kii soo oo seessa soo sakka saa	Authority	
Municipality.	Sections under which powers have been delegated.	to whom powers have been dele- gated.	Number and date of letter sanctioning the delegation.
	118, 126, 128, 131, 143	committee.	pindi's No. 296- G., dated 12th Septem ber, 1919.
Lahore	97, 98, 101, 109 (1) 113—115, 117, 118, 122, 126, 128, 131, 142, 143, 145 (b) & (c), 173.	President	P. G. Letters
	97, 98, 101, 109 (1), 122, 142, 143, 145 (b) & (c).	Vice-presi- dents.	No. 608, dated 9th Novem- ber, 1912; No. 258, dated 15th April,
	101, 113, 114, 118, 119, 122, 169, (c), 170-A (1) & (2), 173 (1), 176, 191, 205, 212, 220.	Secretary.	1915; No. 18524, dated 17th July, 1923; No. 29620, dated 17th De-
	109, 113, 115, 115-A, 116, 117, 118, 125, 126, 131, 142, 143, 145 (b) & (c), 149, 205 (b).	Medical Offi- cer of Health.	cember, 1923,
	97, 98, 101	Finance sub- committee.	1 2
	97, 98, 101, 169 (a)	Public Works sub- committee.	23rd Feb-
	109 (1), 115, 117, 118, 122, 126, 128, 131, 142, 143, 145 (b) & (c), 170, 173, 176.	Public Health sub- committee.	18th June
Lyallpur	75, 101, 143, 170, 176	, President	Commr., Multan's

Municipality.	Sections under which powers have been delegated.	Authority to whom powers have been dele gated.	Number and date of letter sanctioning the delegation.
	203—208, 210, 211.		No. 2918, dated 3rd July, 1912,
Moga	109 (1), 113115, 117, 118, 122, 126, 128, 131, 143, 169 (a), 170, 173, 176, 191, 203-208, 210 212.	President and in his absence the vice-presi- dent.	Commr., Jullundur's No. 4769, dated 22nd July, 1919.
Montgomery	113, 114, 115, 117, 118, 122, 126, 128, 131, 143, 169, (a), 170, 173, 176, 210.	President and vice- president.	
	113, 114, 169 (a), 170, 173.	Public Works sub- committee.	Commr., Multan's No. 3951, dated 7th Septem-
	115, 117, 118, 126, 128, 131, 203—208, 211.	Sanitation sub-com- mittee.	ber, 1912; No. 5135, dated 13th October,
	176	Lighting sub-com- mittee.	1914; and No. 855-C, dated 2nd June, 1918.
	109 (1) (a) (i)	President or in his absence the vice-president.	
Multan	114, 115, 117, 118, 122	President	P. G. Letters No. 280, dated 15th
	77, 109, 114, 115, 117, 118, 142, 143, 169 (a) 170, 176.	Vice-presidents	April, 1913; No. 451, dated 20th July, 1915; No.
	113, 128, 131, 173	Public Works sub commit- tee.	18902, dated 17th October, 1917 and No.7020, dated 25th
	126, 166, 203 – 208, 210 212	Conservancy sub-committee.	March, 1918.

Part III]

Municipality.	Sections under which powers have been delegated.	Authority to whom powers have been delegated.	Number and date of letter sanctioning the delegation.
Murree	72, 75, 101, 109 (1), 113, 115, 117, 118, 119, 122, 126, 128, 131, 142, 143, 145 (b) & (c), 166, 169 (a) & (c), 170, 173, 176, 191, 203-208, 210, 211, 212, 220.	Senior vice- president.	P. G. letters No. 532 dated 25th July, 1913; No. 28792, dated 1st October, 1926; No. 2998, dated 23rd Janu- ary 1929.
	75 (a) & (b), IO1, 109(1, 119, 122, 169 (b) & (c), 203-208, 210, 211, 212, 220	president.	P. G. letters No. 28792, dated 1st October 1926; No. 2998, dated 23rd January 1929.
	206	Special sub- eommittee for inspection of hotel kitchens etc.	P. G. Memo. No. 22220, dated 20th September, 1920.
Muzaffargarh	113, 115, 117, 118, 122, 124, 126, 128, 131, 143, 165, 169 (a), 170, 173, 176.		Commr., Multan's, No F-46-12-6 dated 16th July 19:8.
Pakpattan ···	109 (1) (a)(i), 113115, 117, 118, 122, 126, 128, 131, 170, 176, 191, 203205, 207, 210212.		Commr., Multan's No 3669, dated 22nd August, 1912; No. 4277, dated 1st Octo- ber 1912.
Palwal	113115, 117, 118, 126 (1) & (2), 128, 131, 143 169 (a), 173, 191.		
	206208	President, vice president and Sanitary sub- committee.	No. 4531, dated 3rd July 1919.
Rajanpur ···	113115, 206	A sub-commit- tee of two members.	Commr., Multan's No. 5044, dated 22nd November 1912.

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Municipality	Sections under which powers have been delegated.	Authority to whom powers have been delegated.	Number and date of letter sanctioning the delegation.
Rawalpindi	115, 117, 126, 128, 143, 204, 205.	Sanitary sub- committee.	Commr., Rawal- pindi's No. 6281, dated 1st Novem- ber 1918.
	143	President and vice-president	Commr., Rawal- pindi's No. 6852, dated 12th De- cember 1918.
	109, 113—119, 125, 126, 128, 131, 142, 143, 149, 166, 203, 204, 205 (b), 206, 211, 212.	Officer of	Commr., Rawal- pindi's No. 51-R, dated 30th Janu- ary 1924.
Rewari	115	President	Commr., Ambala's No. 1710. dated 15th May, 1920.
Rohtak	169 (a)	Vice-presidents	Commr., Ambala's No. 5346, dated 29th September, 1919.
	142	President and vice-president.	Commr, Ambala's No. 4, dated 3rd January, 1921.
	170	President or, in his absence, the senior vice-president, or in the absence of both, the junior vice-president.	Commr., Ambala's No. 1727, dated 12th May, 1922.
Shujabad	39 (in respect of servants on Rs. 10 p.m.) 109 (1) (a) (i), 115, 126, 128, 131, 176, 203208, 211, 212.	President	
	143, 166, 170. 173 ····	Conservancy sub-com- mittee.	Commr., Multan's No. 2911, dated 29th May, 1913.
and the second of the	114	Public Works sub-committee.	

Municipality.	Sections under which powers have been delegated.	Authority to whom powers have been delegated.	Number and date of letter sanctioning the delegation.
Sialkot	77 109 (1 , 113, 114, 128, 131 115, 118, 122, 166, 169(a), 170, 173 (2), 176	committee. President	
	113, 114, 126, 131	Sanitary sub- committee.	Commr., Lahore's No. 11, dated 16th January 1912.
	113, 114	Public Works sub-committee	
	109 <b>,</b> 126 ···	Medical Officer of Health.	P. G. letter No. 16130, L. S. G, dated 29th April, 1929.
Simla	All powers that can be delegated to a Medical Officer of Health.	Medical Officer of Health.	P. G. Memo. No. 3360, dated 5th February, 1925.
Sonepat	113115, 117, 118, 126 (1), 128, 143, 206, 211	Building and Conservancy sub-com- committee.	Commr., Ambala's No. 4656, dated 18th July, 1919
	143	President	Commr., Ambala's No. 6952, dated 1st December, 1919.
Wazirabad ··	113, 114	President	Commr, Lahore's No. 190, dated 3rd May, 1922.

The delegation of powers permitted under section 34 is 23. much wider in scope than the delegation permissible under section 33, but though all or Delegation of powers under section 34. any of the powers of the committee may be delegated under this section, they can be conferred only for exercise within a specified area on a sub-committee consisting of the representatives of that area. The intention of this section, as explained in

the Statement of Objects and Reasons, is to provide for cases where, as in a civil station, the needs of a definite area can best be dealt with by its own representatives. The only municipality in which powers have been delegated under this section is Gujranwala, where a sub-committee formed for the civil station ward of the municipality has been invested with the powers of the committee under sections 39, 106, 109 (1), 113—119, 122, 125—128, 131, 143, 149, 166, 169 (a), 170, 171, 173—176, 180, 189 (1) and (2), 191, 193—196, 203—206, 208, 211 and 212—Vide P. G. Letters No. 321 (B and C), dated 9th May, 1916, and No. 21573, dated 20th November, 1917.

preceding paragraphs the extent to which 24. In the powers are conferred upon officers, servants Bye-laws under section and sub-committees of a committee by the Act 31 (1) (f), (h) and (j). itself or are conferable by means of delegation has been considered. It has now to be seen how the decisions arrived at by a committee in exercise of its statutory powers or by its officers and sub-committees in exercise of their delegated powers are put into execution. Under section 3 (1) (f) every committee has power to make bye-laws consistent with the Act and the rules made thereunder as to "the appointment of sub-committees, and their duties, the division of duties among the members of the committee and the powers to be exercised by such members as are primarily responsible for the current executive administration whether presidents, vice-presidents, members of sub-committees or individual members," and under clause (h) of the same section "the appointment, duties, executive powers, leave, suspension and removal of its officers and servants", while under clause (j) bye-laws may be made to provide for "appeals from executive orders of sub-committees, the president, vice-president, members, officers and servants of the committee." As in the case of bye-laws with regard to the conduct of meetings, etc., which have been discussed in **SECTION 1** above, it is important to notice that by laws made under any clause of section 31 (1) of the Act must be consistent with the Act and with rules made thereunder. In particular the tendency to delegate a committee's statutory powers by means of byelaws under this section must be guarded against, for in this respect nearly all existing bye-laws are illegal. For example, the power of employing servants under section 39 is one that may be delegated under section 33, but such delegation requires the sanction of the Local Government in the case of first class municipalities, and though such sanction might be assumed to have been given if bye-laws making such delegation are confirmed by the Local Government, previously to the amendment of the Act in 1923 bye-laws made under section 31 of the Act required the approval of the Commissioner only : yet in nearly every municipality there are bye-laws authorizing officers or sub-committees to appoint servants up to a specified maximum salary. Another defect which is to be found in the business bye-laws of many committees is the leaving undetermined matters which should be determined by the bye-laws. For example it is prescribed in the

Part III

bye-laws of a number of committees that "each sub-committee shall consist of such number of members of the committee as may be fixed by the committee" and "the committee shall determine for each subcommittee whether its members shall be elected by the committee or appointed by the president." Such matters should be determined in the bye-laws themselves and not be left for decision at some other time. It is essential for the efficient working of the municipal machinery that all rules of business, etc., should be collected in one code to which reference can readily be made as occasion arises, and that there should be no necessity to refer to separate scattered resolutions to ascertain the powers and duties of officers and servants. The actual organization to be adopted for the disposal of the business of administration must vary greatly with the size and resources of each municipality and it is therefore not proposed to suggest any particular method of organization as suitable in all cases. There is, however, one principle which cannot be too strongly recommended to every committee, large or small—a principle which may be expressed in the common, saying, "Do not keep a dog and bark vourself." Many committees now employ highly paid expert servants, but their employment is simply a waste of public money unless they are trusted and allowed to carry out their duties without interference. For example, if a municipal engineer certifies that a building is dangerous and recommends the issue of notice under section 114 of the Act, it is a waste of time and money to refer the matter to the ward member or members for opinion. Their opinion on the facts cannot be worth so much as that of the municipal, engineer, and their report is only too likely to be coloured, no doubt unconsciously, by the desire not to offend a relation or supporter. So too if a Medical Officer of Health records his opinion that a building is not fit for human habitation and recommends the issue of a notice under section 116 of the Act, his recommendation should at once be accepted if he had not already has the power of issuing a notice under this section delegated to him. In all such cases if the expert is worth his pay his opinion should ordinarily be followed

Officers and servants of the committee.

Officers and servants of the committee.

He may be a member of the committee, in which case he is not permitted to receive any salary, or any other person, when the Commissioner's sanction is required to the remuneration assigned to him. The secretary is the only servant of committee with regard to whom there is any specific provision in the Act, and under section 39 a committee may employ such other officers and servants as may be necessary or proper for the efficient execution of its duties, may assign to them such remuneration as it may think fit and may remove or dismiss them. These powers must, however, be exercised "subject to the provisions of this Act

as a matter of course: if he is not worth his pay, the remedy is to get rid of him and not to attempt to supplement his deficiencies by the

inexpert services of members.

Restrictions on a committee's powers in respect of officers and servants,

and the rules and bye-laws made thereunder," and the following table shows the extent to which a committee's independence is restricted in respect of the appointment, dismissal and

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remuneration	~ £	440	ottranna	0 22 0	~ course m to	
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Section of the Act or rule imposing the restriction.	Nature of the restriction.
Section 40	A Government official employed by a committee since 1884 not to be dismissed without the sanction of the Local Government.
Section 41	Commissioners and Deputy Commissioners empowered to require the dismissal of an officer or servant unfit for his employment.
Section 42	Commissioners empowered to require the reduction of excessive numbers or excessive remuneration of establishments.
Section 43	Provisions as to the leave allowances, pensions, gratuities, etc., which a committee may grant its employees whether Government officials or not.
Section 44	Provisions as to the pensions and leave allowances of persons serving partly under Government and partly under a committee: one month's notice to be given to Government before such a person's services are dispensed with unless there is a written contract to the contrary.
Section 45	Officers and servants to be given a month's notice or a month's wages in lieu of notice before discharge unless discharged during a period of probation or for misconduct.
Part II—II, rule 12.	No annuity or gratuity on retirement and no leave, absentee or acting allowance to be paid to an officer from the municipal fund in excess of what would be admissible under the rules applicable to officers paid from general revenues.
Part II—VI, rule 5.	Hospital and dispensary servants below the

Section of the Act or rule imposing the restriction.	Nature of the restriction.
	rank of Sub-Assistant Surgeon to be appointed and dismissed by the Civil Surgeon.
Part II—VI, rule 7.	The Inspector-General of Civil Hospitals to have control over the appointment, removal and transfer of Assistant Surgeons and Sub-Assistant Surgeons.
Part II—VI, rules 29—37.	The pay and qualifications of compounders fixed by the Local Government.
Part II—VI, rules 38—41.	The employment of hakims and baids regulated; their qualifications prescribed and remuneration limited.
Part II—VII	The employment of Medical, Assistant Medical and Female Assistant Medical Officers of Health required by rule in certain municipalities; their qulifications laid down and their rates of pay prescribed; their appointment and dismissal subject to the approval of the Local Government if a contribution is made towards their salary.
Part II—VIII	The employment of Sanitary Inspectors required in certain municipalities; their qualifications laid down and rates of pay prescribed; their appointment and dismissal subject to the approval of the Commissioner.
Part II—IX, rules 11 and 12.	The appointment of Municipal Engineers and the appointment of other persons to offices requiring professional skill and connected with sanitary works regulated.
Part II—X, rule 3.	Superintendents of Fire Brigades to be employed by committees maintaining fire-brigades.
Part II—XI, rules 2 and 3.	Town-watchmen to be appointed, dismissed, suspended and reduced by the Superintendent of Police.

Section of the Act or rule imposing the restriction.	Nature of the restriction.
Part II—XII	Qualifications of compounders in Veterinary dispensaries prescribed.
P. G. Resolution H. (M. and S.) Depart. No. 203, dated 26th Feb- ruary, 1908.	Remuneration of vaccinators prescribed. (The orders contained in this Resolution not having been made under any Punjab Municipal Act have not the force of law.)
Mepl. Acet. Code 1929, Chapter V.	The employment of an Octroi Superintendent, Octroi Inspectors, Moharrirs and peons prescribed.
Mepl. Acet. Code 1929, Chapter VI.	The employment of a Terminal Tax Superintendent, Inspectors, Moharrirs and peons or other responsible officers prescribed.
Mcpl. Acct. Code 1929, Chapter VII.	The employment of a Tax Superintendent, Tax-inspectors, Tax-Collectors and Tax Moharrirs prescribed.
Mepl. Acct. Code 1929, Chapter IX.	The employment of a Licensing Officer, License Inspectors and License-Moharrirs prescribed.
Mcpl. Acct. Code 1929, Chapter XI.	The employment of a Lands Officer, Rent Inspectors, Rent Collectors and Rent Muharrirs prescribed.
Punjab Pure Food Act, 1929, Section 6 (1).	Inspectors to be appointed under the Act by committees if so required by the Local Government.

Powers with regard to employment by committees of Government servants, are conferred subject to orders and rules of the Government. In the case of a Government and Government.

servant whose transfer to foreign service under a local authority occurred after 1st January 1922 or whose original period of transfer was extended after that date, the rules contained in Chapter XII of the Fundamental Rules govern the conditions of his service (vide Appendix G.) Government servants in foreign service before 1st January 1922 continue, during the period for which their transfer to

such service was sanctioned, to be governed by the old rules which were contained in the Civil Service Regulations and in various explanatory orders issued from time to time. These rules were most confusing and it is not proposed to examine them, as before long there should be no officials left to whom they would be applicable.

- As regards the powers of committees over their employees who are not Government servants Leave and acting allowit should be observed that while under the ances of purely municipal old rule (Article S11 of the C S. R.) the servants. payment of leave and acting allowances, etc., in excess of the rates permissible in the case of officers paid from general revenues could be permitted by the Commissioner, to whom as Head of the Department in respect of local fund services the power of sanction was delegated, no such delegation of the power of sanction has been made in respect of the new rule (rule II, 12) and the orders of the Local Government must be obtained in all cases where it is desired to make payment of such allowances at a rate in excess of the rate generally permissible.
- The grant of travelling allowances to members or em-28.ployees of a committee is regulated by rule Travelling allowances. XII-10 of the Municipal Account Code, 1929. In the case of members travelling allowance in excess of fifty rupees can not be drawn in respect of a journey outside the district in which the municipality is situated unless the previous sanction of the Deputy Commissioner has been obtained to the undertaking of the journey. This rule was necessitated by the many cases brought to light by the Local Fund auditors of journeys undertaken by members without justification as, for example a journey costing over fifty rupees for the purpose of depositing money which could have been sent by insured post for three or four rupees. In the case of journeys performed by employees no sanction of any controlling authority is required but controlling officers should watch the proceedings of committees carefully for resolutions authorizing the undertaking of journeys on municipal business and should use their powers under section 232 of the Act to prevent the performance of such journeys as appear to be unjustifiable.
- 29. The rules with regard to pensions, annuities or gratuities on retirement payable to purely municipal servants.

  Pensions, etc., of purely municipal servants are somewhat confusing. Under section 43 (2) a committee may, subject to such conditions as the Local Government may prescribe—
  - (a) grant a gratuity on retirement to an officer or servant whose pay is less than Rs. 20 a month;
  - (b) if his pay is Rs. 20 a month or more, compel an officer or servant to contribute to a provident fund;

(c) if a provident fund has not been established or if an officer or servant has not been contributing thereto for the whole of his service, grant him a gratuity or purchase or arrange for an annuity for him on his retirement.

In an opinion dated 4th September 1913, accepted by the Government of India (Department of Education) in their letter No. 157, dated 23rd September 1913, the Advocate-General of Bengal advised that the words "arrange for an annuity" are sufficiently wide to enable a municipal committee, subject to such conditions as the Local Government may prescribe, to pay a pension direct to a retired employee when a provident fund has not been established or when contribution has not been made to it throughout the whole of the employee's service. Upon this the Punjab Government (Endorsement No. 705 (B and C-C), dated 27th October 1913) ruled that direct payment of pensions should not be allowed unless in the opinion of the Commissioner, to whom a reference must be made the financial position of the municipality does not permit of its giving an adequate gratuity to a retired employee or to arrange for the payment of an annuity in some other way. This ruling, it may be noted, is in conflict with the orders conveyed in the Government of India (Finance and Commerce Department) letter No. 5378-P., dated 9th December, 898 in which it was laid down that as a general rule the grant of gratuities in lieu of pensions when the latter are admissible, should not be permitted except when the gratuity proposed is not large enough to purchase an annuity of Rs. 2 per mensem or more, but in every case the previous sanction of the Commissioner should be obtained to the payment of the gratuity as an exceptional item of expenditure. These orders were presumably the foundation of Note 2 to article 807 of the C.S.R. the contents of which are unintelligible with reference to that article alone, as it merely permits the purchase of a Post Office annuity in certain circumstances. The note in fact appears to be incorrect, as under the orders of 1898 if the amount of the gratuity proposed is not sufficient to purchase an annuity of Rs 2 per mensem it may be given instead of any annuity or pension and not only in lieu of a post office annuity purchaseable under Article 807. The position has been further complicated by the orders conveyed in P.G. letter No. 729 (B. and C.-C), dated 6th December 1915, which sanctioned under Article 807, C.S.R. with reference to section 43 (2) (d) of the Municipal Act the purchase of post office annuities by local bodies subject to the general rules governing the grant of annuities by local bodies to their employees. Now Article 807 lays down that with the permission of the Government, the ..... Committee ...... of any local fund may purchase from the Post Office a pension or annuity for any of their servants for whom such pension or annuity is not otherwise admissible. "Such pension or annuity" must mean "a post office pension or annuity" and "otherwise" must mean "without the permission of the Government", but there is nothing in section 43 (2) (d) of the Act to prevent a committee from purchasing for an employee an annuity from the post office if no provident fund has been

established or if the employee has not been contributing to a provident fund throughout his service. There appears, therefore, to have been no need for the issue of the orders contained in the letter of December 1915 quoted above. The general power in certain circumstances of purchasing a post-office annuity for a municipal employee, which that letter purported to convey but which as a matter of fact was already possessed by municipal committees, was however modified by the orders subsequently issued in P. G. letter No. 863 (B. and C.—C.), dated 6th December, 1916, in which it was directed that "in the case of an employee who has previously served another local body or local bodies, the method of purchasing such employee an annuity adopted by the local body under which such employee first served shall be adopted also by the local body or local bodies which subsequently employed him. In case however any portion of the service of an employee has been under Government and a portion of the pension is payable by Government at a treasury, the system sanctioned in the Government of India letter No. 5828-P., dated 18th October, 1905, shall invariably be adopted." The letter referred to laid down that local bodies should be allowed to pay into the Government treasury on the date of an employee's retirement the gratuity voted by the local fund, leaving it to the Accountant-General after the claim has been investigated to pay to the annuitant the amount of the annuity together with the arrears accruing from the date on which payment was made into the treasury. The position therefore is as follows:—

An employee on a pay of less than Rs. 20 a month can only be given a gratuity.

An employee on a pay of Rs. 20 a month or more, if there is no provident fund or if he has not been contributing thereto all his service, may (a) be granted a gratuity or (b) have an annuity purchased or arranged for him.

As "arrange for an annuity" covers the grant of a direct pension, according to the Government of India orders a pension must be granted unless the amount of gratuity proposed is not sufficient to buy an annuity of Rs. 2 per mensem. According to the Punjab Government orders a gratuity must be given unless the municipal committee cannot afford to grant one of a reasonable amount.

If a pension or annuity is to be given a committee may either-

- (i) deposit with the treasury a sum sufficient to cover the cost of the proposed anuuity; or
- (ii) purchase a post-office annuity provided that (a) in the case of an employee part of whose service has been under Government, the first method of purchasing an annuity must be adopted, and (b) in the case of an employee whose service has been under more than one local body, which-

ever method of purchasing an annuity is adopted by the body under which he first served, that method must also be adopted by the bodies under whom he subsequently served.

Pensions of employees whose service has been partly under dovernment and partly under a municipal committee presents some difficulties. In the past there were fairly numerous cases of officials who were first Government employees, but on

the localization of their services were transferred to local fund employ. In these cases it was generally understood that the Rule of Proportions which is described in Article 45 of the Civil Service Regulations. applied, but in recent years when the time of the retirement of these officials came round, great difficulty was often experienced in obtaining the local bodies' share of the pensions payable. Accordingly in 1924 a circular was issued in which attention was drawn to the fact that combination of service under a local body with service under Government had the effect of increasing the liability of Government owing to the enhancement of the pension, and that the intention of the rules was that the local body concerned should furnish a definite undertaking that it would pay the capitalized value of its share of the pension before combination of service was permitted. Instances had, however, come to the notice of Government in which local bodies after giving the necessary undertaking had failed to pay their share of the pension when called upon to do so by the Audit Officer after the combination of service had been sanctioned by Government. It had, therefore, been decided that in future in such cases the Audit Officer should report on a pension claim solely with reference to the service rendered under Government unless he had received the orders of Government sanctioning the combination of such service with service under a local body, in which case he should assume that body had furnished the necessary assurance that it would pay, without modification and by the date specified, the amounts reported by the Audit Officer as the capitalized value of its share of the pension. (P. G. letter No. 16552-F, dated 26th June, 1924). These orders were, however, not effective in overcoming the disinclination of local bodies to pay up their share of pensions when called upon to do so. Further orders were, therefore, issued in 1928 that when in consequence of a local body having undertaken to pay up the capitalized value of its share of a pension according to the Rule of Proportions, Government had sanctioned combination of service and thus incurred liability for the whole pension, a local body which consequently defaulted should be compelled to pay by means of a declaration under clause (c) of sub-section (1) of section 52 of the Punjab Municipal Act, 1911 that the amount of the pension due was a portion of public expend iture equitably debitable to the local body concerned. (P. G. letter No. 20087 (L. S. G.—Genl.), dated the 4th July 1928.) In the orders last referred to it was also stated that in future when the employee of a local body is taken into Government service no combination of service would be permitted and the question of the payment by the local body concerned of a gratuity should be settled on the officer entering into Government service instead of being left over to his retirement. These orders apply to the cases which in recent years have been much more frequent than former by owing to the provincialization of such institutions as high schools, hospitals, etc., which has been taking place on a considerable scale.

Under the general rule contained in Article 520 of the Civil Service Regulations an officer in receipt of a Re-employment superannuation or retiring pension may not be Government pensioners re-employed or continue to be employed in service paid from a local fund except on public grounds and with the sanction of certain specified authorities. The Local Government is, however, given power to declare that the restrictions contained in this Article shall not apply to local funds of any particular class in its territories, and in exercise of this power the Punjab Government has declared the restrictions inapplicable to any local body in the Punjab. (P. G. Notification No. 17273, dated the 17th June, 1927.) Article 521 of the Civil Service Regulations lays down that the authority competent to fix the pay and allowances of the appointment in which a pensioner is employed shall determine whether his pension shall be held wholly or partially in abeyance. Note 1 to this Article explains that where the employment is in service paid from a local fund, the authority determining whether the pension shall be so held in abeyance shall be the authority administering the local fund if so empowered by the Local Government in this behalf, and the Punjab Government has issued a declaration empowering local bodies in the Punjab accordingly. (P. G. Notification No. 17276, dated the 17th June, 1927.) At the same time it was notified that this delegation of power was subject to the restriction contained in proviso (ii) to Article 521 that a pensioner may not be allowed to draw in full a pension of more than rupees ten per mensem in addition to the full pay of the post in which he is re-employed. Subsequently it was ordered that a local body which re-employed a retired Government servant with a pension of more than rupees ten per mensem was empowered to reduce the pension without reference to Government, but that intimation of the amount by which the pension was reduced should in every case be sent to the Accountant-General. (P. G. letter No. 20248 (L. S. G.—Comts.), dated 6th July, 1928).

# SECTION 3.—Annual Reports and Returns.

32. Part II—II, rule 8 (1) requires every committee to prepare an annual report on its working such form as may, from time to time, be prescribed by the Local Government. Instructions as to the form in which such reports should be prepared were issued in Punjab Government Letter No. 1684 (Boards and Committees—Committees), dated 24th January, 1917.\*

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- "2. His Honour is therefore pleased to direct that commencing with the reports of the current years, the annual municipal reports shall be prepared and submitted in accordance with the following instructions.
- "3. The reports shall be accompanied by a tabular statement in the form appended to this letter and no information furnished by the statement should be repeated in the body of the reports, except so far as such repetition may be necessary in discussing the following subjects, with which the reports should deal:—

### PART I.

- (a) The character of election contests and any special features connected with elections.
- (b) Reason for failure to hold the prescribed number of meetings.
- (c) Reasons for any large falling-off in the percentage of attendance at meetings or for inadequate attendance of non-official members.
- (d) The general attitude of members towards their responsibilities; how far they are actuated by personal or party motives or by genuine public spirit; whether they show any initiative or are dependent largely on official suggestion.
- (e) The manner in which committees discharge their statutory functions; the disposal of business by sub-committees; their control of executive and clerical establishments; the adequacy of their measures to deal with overcrowding and the housing of the people, to control food and milk supplies and generally to improve sanitation; the attention paid to education and medical relief; and in particular the efforts made to realise for medical attendance.
- (f) The names of members specially to be commended for good work.

## PART II.

- (a) Special features with regard to octroi and terminal taxes, and reasons for any large increases or decreases in the income received from octroi and terminal taxes or in the percentage of octroi refunds.
- (b) Special features with regard to other taxes,

### PART III.

- (a) Large schemes of public improvement; the objects for which any special grants are received or loans are raised.
- (b) Reasons for any excessively large closing balances and for any closing balances below the prescribed minimum.

### PART IV.

- (a) Any important events of the year, e. g., epidemics, large fires, floods, opening of new railways.
  - b) Any particular features of the year specially deserving mention not noticed elsewhere in the report.
- "4. Commissioners should, as a rule, retain the district reports except in the case of the municipalities of Simla, Lahore and Amritsar which should be forwarded to Government, but are at liberty to forward also any other report that they consider desirable. The divisional reports should be prepared by Commissioners from the materials furnished by the district reports and returns, and the Lieutenant-Governor trusts that no effort will be spared to submit reports in a shape which will enable Government without difficulty to prepare an adequate review of municipal administration during the year. It is not desired that Commissioners should deal with the subjects mentioned in paragraph 3 of this letter separately in respect of each municipality; what is required is a general summary of those aspects of municipal administration in each division illustrated by reference to particular municipalities; and the reports should be as brief as is compatible with an adequate representation of the year's conditions.
- '5. The district reports should be submitted to Commissioners not later than the 15th July, and the Commissioners' reports should reach Government by the 15th September at latest".
- "6. These orders do not affect the submission of municipal returns, which should continue to be submitted direct to Government by Deputy Commissioners by the 15th May each year.\* I am to request that Deputy Commissioners will make every effort to ensure the accurate preparation and punctual submission of these returns."

It may be noted with reference to these instructions that commissioners should forward consolidated tabular statements for their divisions and not merely send on the district statements.

<sup>\*</sup>Note.—These instructions were modified by P. G. letter No. 24771 (L. S. G.—Comts.), dated 11th October, 1922 in which Deputy Commissioners were directed to submit the returns to Commissioners instead of to Government.

MUNICIPAL REPORT FOR THE YEAR\_

DIVISION.

M	UNICIPAL LAW AND PRACTICE	[Part III
Remarks,	(The reasons for the change should be briefly indicated.)  Ditto ditto ditto.  Ditto ditto ditto.  Ditto ditto ditto.  Ditto ditto ditto.  The subject-matter of the rules or bye-laws should be briefly described, e.g., election rules, etc.)  The subject-matter of the rules or bye-laws should be briefly described, e.g., slaughter-house bye-laws, licensed vehicle bye-laws, etc.)  (The nature of the tax imposed or abolished should be stated, e.g., house tax, ground tax, dog tax, etc., revision Ditto ditto.	*Nore.—Since the passing of the Panjab Municipal (Amendment) Act, 1923, sections 124, 136 and 145 are applicable to all municipalities
Section of		1923, sec
OV. and date not do the strong of the strong		ent) Act,
District.		mpueı
Name of municipality.		cipal (Am
Subject.	Mew municipalies establitished  Municipalities abolished  Revision of municipal boundaries  Revision of ctroi boundaries  Rules made by Government not of general application to all municipalities.  Bye-laws passed and confirmed  Imposition of new taxes  Abolition of old taxes  Extensions of sections 124, 136, 142, 145 or 171  Extensions of the Vaccination Act  Water-rates sanctioned under section 97 of the Act.  Exercise of powers conferred by sections 239—234, 41 and 42 of the Act.	*Norm.—Since the passing of the Panjab Municated on the have to be specially extended.

Cost of collection (percentage of gross receipts).

ceipts refunded.

Cost of collection (percentage of gross receipts).

Total of columns 3 and 4.

Percentage of

District.

gross re-

33. The following annual return has to be submitted by every committee in addition to the returns prescribed in the Municipal Account Code 1929:—

Viz., the Annual Account, the Annual Statement of Government Grants, the Annual Octroi Jinswar, the Annual Terminal Tax Jinswar, the Tax Collection Progress Statement for the last quarter of the year, the Annual Statement of Investments.

KENVERS.

present at each meeting. 53 Average percentage of all members 81 present at each meeting. percentage of non-officials Average at each meeting, 23 Average percentage of officials present column 18 which were adjourned. 200 Number of meetings out of the total in Statement showing the constitution of the municipalities in the Punjab during the year for want of a quorum column 18 which proved abortive 53 Number of meetings out of the total in ing those specified in cclumns 19 Total number of meetings held includ-NUMBER OF MEMBERS, OF COMMITTEE. Indians. Europeans. Non-officials, Officials. Total. 11 12 1 Elected. Nominated. .012110-xH Nominated official. PARTICULARS AS TO CHAIRMAN. Nominated non-official. Elected official. Elected non-official. 9 (Census of March 1921). Ð limits Population within municipal Act under which constituted. Municipalities 9 Serial No. of Municipality. Name of district.

FORM No. I.

### SECTION 4.—Miscellaneous.

Appointment of agents by non-resident owners.

Appointment of agents within the municipality. If the owner is not resident, delay must inevitably occur in the under section 188 (f) by bye-law to require and regulate the appointment by owners of buildings or land in the municipality, who are not resident in the municipality, of persons residing within or near the municipality to act as their agents for all or any of the purposes of this Act or any rule thereunder. Bye-laws under this section have been adopted in the municipalities shown in the first column of the following statement:—

Municipality.	Notifications.
Bahadurgarh Dalhousie Dera Ghazi Khan Gojra Khem Karan Khushab Lyallpur Murree  Muzaffargarh Pathankot Sargodha	No. 638, dated 23rd September, 1916. No. 635, dated 23rd September, 1916. No. 25429, dated 4th September, 1923. No. 24512, dated 26th September, 1927. No. 433, dated 29th July, 1904. No. 530, dated 6th November, 1893; No 366, dated 16th August, 1900. No. 19235, dated 4th November, 1918. No. 125, dated 22nd February, 1916. No. 666, dated 2nd October, 1916.
	No. 483, dated 20th August, 1904. No. 32790, dated 27th December, 1921.

### CHAPTER III.

### FINANCIAL.

### SECTION 1.—Income.

## (a) Taxation.

35. The Scheduled Taxes Rules, published in Government of India Notification No. 3115, dated 16th Decem-

Statutory Limitations under the Punjab Municipal Act on a committee's powers of imposing

ber, 1920, as amended by Notification No. 7, dated 24th January, 1924, empowered provincial legislative councils to make laws authorizing the imposition of certain taxes, and in the

taxation. the imposition of certain taxes, and in the Punjab Municipal (Amendment) Act, 1923 advantage was taken of this to free municipalities to a very large extent from the control over taxation previously exercised by the Local Government. Committees as a general rule may, now of their own authority, under section 61 (1) of the Act as amended, direct the imposition of taxes on buildings and lands, whether in the form of a tax on annual values, a ground tax or a frontage tax, taxes on professions or trades, taxes or tolls on vehicles or animals, taxes on menial domestic servants and scavenging taxes; of the taxes which previously required the sanction of the Local Government only octroi, terminal tax and water tax now require The control formerly exercised is, however, still such sanction. retained in the case of committees of which less than three-quarters of the members are elected and of committees who within three months of passing a resolution for the imposition of a tax allow their balance to fall to less than Rs. 20,000 or one-tenth of their income in the previous financial year, whichever is less. As to the remaining Scheduled Taxes which committees might have been authorized to impose, the sanction of the Local Government is still required for taxes in return for services rendered and taxes on private markets in addition to octroi, terminal tax and the special case of a water tax of which mention has already been made. It may be observed that power to authorize the imposition of a terminal tax in a local area in which octroi was not levied previous to 6th July, 1917 is not given to provincial legislative councils by the Scheduled Taxes Rules and that for such a tax the sanction of the Governor-General in Council is still required.

The Municipal Taxation Act, 1881.

Punjab Municipal Act are further qualified by the provisions of various other statutes. Thus section 3 of the Municipal Taxation Act, 1881—
vide Appendix I—empowers the Governor-General in Council by an order in writing to prohibit the levy by a municipal committee of any specified tax payable (a) by any person subject to the Army Act, the

Indian Army Act, 1911 or the Air Force Act, who is compelled by the exigencies of military or air-force duty to reside within the limits of a municipality, or (b) by the Secretary of State in Council. In the event of such an order being issued the Secretary of State is bound in the case of (a) to pay to the municipal committee concerned the amount which would otherwise be payable by the person from whom the levy of the tax is prohibited except on account of a tax in respect of a horse which such person is bound to keep. In the case of (b) the Secretary of State is bound to pay such sum as an officer to be appointed from time to time by the Local Government may determine to be fair and reasonable.

37. In exercise of the powers conferred by this section of the

Municipal Taxation Act the Governor-General
Notification under secin Corneil has prohibited, the lawy by municipal

tion 3 of the Municipal in Council has prohibited the levy by municipal committees upon any person subject to the Army Act, or to the Indian Army Act, 1911,

who is compelled by the exigencies of military duty to reside within the limits of a municipality, of taxes on salaries, professions, trades, callings, offices or appointments, or on such animals or vehicles as such person is required by the regulations of the service to which he belongs to keep—vide Government of India (Department of Education, Health and Lands), Notification No. 821, dated 17th October, 1923.

38. Clause (b) of this section "was framed mainly with a view to enable Government to deal with cases of assessment of Government property when the property to be assessed is, from its nature, such as not to admit of the application of ordinary princi-

ples in assessing the payment thereon of any particular tax; as e. g., when the assessment is on the letting value, and the property is of such a nature that it is difficult to conceive of its being let and impossible to form an estimate of the rent that would be obtained for it if the Government offered to let it. It was the intention of the Act of 1881 to enable Government to deal with such cases failing an amicable—though possibly arbitrary—settlement with the local authority concerned, by at once issuing an order of prohibition under section 3, clause (b), and appointing an officer under section 5, without entering upon any formal agreement or attempting to contest the matter by way of an appeal or otherwise. In cases, however, in which there are no peculiar circumstances attaching to the Government property assessed, as e. g., when it consists of ordinary dwelling-houses, the assessment should either be accepted, or, if it appears unduly high, proceedings should be taken to obtain redress under the ordinary municipal law, and recourse should not be had to the special provisions of the Act of 1881"-Vide Government of India (Home Department) letter No. 2-56, dated 17th June, 1885.

39. Under section 3 of the Indian Tolls (Army) Act, 1901,
The Indian Army) Act, 1901.

Tells various classes of persons and property are exempted from payment of tolls (vide Appendix I), but under section 6 of that Act a local

authority may claim compensation for any loss alleged to have been incurred owing to the operation of the Act. Such a claim must be submitted to the Local Government which, subject to the control of the Governor-General in Council, shall pass such orders thereon as justice requires, and shall give all necessary directions for the purpose of ascertaining the facts of the case and of assessing the compensation, if any, to be paid

Section 44 of the Indian Tramways Act, 1886, empowers the Local Government, when a tramway is con-The Indian Tramways structed under that Act within the limits of a Act. 1886. municipality, to exempt the animals, plant, rolling-stock, yards, workshop, engine-sheds and depóts of the promoter, lessee or licensee, for such period as it thinks fit, from all or any municipal taxes leviable within those limits.

Section 135 of the Indian Railways Act, 1890, provides that a railway administration shall be exempt The Indian Railways from liability to pay any tax in aid of the funds Act, 1890. of any local authority unless the Governor-General in Council by notification in the official gazette declares the railway administration to be liable to pay the tax. If such a notification is issued, the railway administration has to pay either the tax mentioned in the notification or such sums as an officer appointed in this behalf by the Governor-General in Council from time to time determines to be fair and reasonable. The general liability of railway administrations to pay the taxes which they were paying during the year ending 30th April, 890, or which they would have been liable to pay had the railway been in existence before that date was notified section in Government of under this India (Public Department Notification No. 136, dated 5th April 1893. Government of India (Public Works Department) Resolution 434-R. T., dated the 17th August, 1894, it was laid down with regard to the taxes which were payable under the previous notification, that should any railway administration consider that any particular tax or assessment is unreasonable or disproportionate to the services rendered an application for the revision of such tax or assessment should be made direct to the Commissioner of the Division in which the tax is levied, who was appointed under sub-section (2) of section 135 of the Indian Railways Act, 1890, to enquire specially into all the circumstances of the case, and determine, in communication with the contending parties, the sum, if any, which should be paid. At the same

Procedure for imposing new taxes on railwavs.

Notifications under section 135 (1) of the Indian Railways Act, 1890.

time it was directed that when it is sought to impose any new tax on a railway, application should be made through the Local Government concerned for the sanction of the Governor-General in Council under section 135 (1) of the Act. In all such ap-

plications the reasons for imposing the new tax must be fully explained and at the same time the views of the railway administration affected thereby should be obtained by the Local Government and submitted together with the application. The general

liability of railway administrations notified in 1893 was subsequently cancelled and notifications were issued in 1911, specifying the particular taxes to which each administration was liable. The following table exhibits the cases in which notifications under section 135 (1) of the Indian Railways Act have issued in respect of taxes imposed by municipal committees in the Punjab:—

Municipality	•	Railway.	Description of tax.	Notification of tax.
Ambala city	• • •	E. I. Railway.	House rate and lat- rine fees.	
Lahore .	••	North Western		No. 232, dated
Simla	•••	Railway. Do.	Water, ground, house and vehicle	
			taxes.	
Gojra . Sargodha .	••	Do.	House tax	No. 527 F-1, dated
Sargouna .	• • •	D0.		27th July 1916.
Multan .	•••	Do.	Tax on buildings	No. 2507-F, dated 5th January, 1925.

Proposals for the imposition of a tax on a railway to be accompanied by a draft notification.

42. Applications to the Local Government for sanction to the imposition of a tax on a railway administration should be accompanied by a draft notification in the following form:—

DRAFT NOTIFICATIO	N.

No.

In pursuance of sub-section (1) of section 135 of the Indian
Railways Act 1890 (IX of 1890), and in continuation of the Govern-
ment of India, Railway Department, Notification Nodated
the Governor-General in Council is pleased to declare that
the administration of the railway shall be liable to pay in
aid of the funds of the local authority set out in the schedule hereto
annexed the tax specified in the second column thereof.

# SCHEDULE.

	1	2	
Municipal Committee	of		— tax

The restrictions described in the last seven paragraphs are 43. of small importance and committees certainly Committees' powers of enjoy much greater freedom in respect of taxataxation less restricted tion now than before the passing of but still not wide enough Amending Act of 1923. A further improvement effected by that Act is the disappearance of the many obstructive provisions which previously hedged about the imposition of a water tax. It is however disappointing that more has not been done to remedy "the smallness and inelasticity of local revenues and the difficulty of devising further forms of taxation," to which reference was made in the Government of India Resolution of May, 1918 as among the causes impeding the development of local self-government. In the first edition of this book the hope was expressed that some such system as that which has since been adopted in the Punjab Small Towns Act, 1923, might be introduced into municipalities also. system provides for fixed assessments, whether of immovable property or of a person's status, combined with annual variation of the actual amount to be raised by taxation: it is in fact on the lines of the "rates" in England, and it is doubtful whether any other system possesses the elasticity necessary to enable committees to expand their revenues commensurately with the increasing demands made on their resources. It is not sufficient to permit committees to impose taxes without the sanction of the Local Government; the impediment from which they need to be freed is the necessity of going through the whole long process for the imposition of taxation every time they wish to vary the rates at which a particular form of tax has already been imposed. It was apparently considered desirable to await experience of the working of the rating system in small towns before introducing it in the larger municipalities, but it may well be considered that the presumably more intelligent committees of the larger

44. Tables showing all the taxes which have been imposed in municipalities are given in Appendix I. In the following paragraphs an examination is made of some of the principal taxes:—

towns would give the system a fairer prospect of success.

## OCTROI.

Octroi and TerminalTaxation.

Octroi and TerminalTaxation.

Octroi and TerminalTaxation.

Octroi and TerminalTaxation.

Octroi and terminal taxes. These taxes in one form or another were levied in most towns in the province long before annexation but have always been regarded with suspicion together and disfavour by the Government of India both as constituting a burden on trade and as likely to affect imperial revenues.

An interesting and instructive review of the history of these taxes in the Punjab is contained in Punjab Government letter No. 21017 (L. S. G.—Comts.), dated 9th August 1927, which has been published as Appendix B to Chapter VII of Part I of the Memorandum prepared by the Punjab Government for the use of the Indian Statutory Commission and is reproduced in Appendix K in

Part V of this book, where also will be found the "Memorandum of Principles governing the Imposition and Collection of Termina I. Taxes in India" issued by the Government of India in 1917. Octro¹ is in theory a tax on consumers within municipal limits of animals and goods imported for consumption or use, and in order to ensure that only such consumers are taxed elaborate provision is made for refunds on articles exported at the rates leviable on such articles on import and for the exemption of articles in transit through a municipality. The tax is imposed ad valorem or by weight or by tale. Terminal tax differs from octroi in that it is leviable on articles either on import or on export, it is invariably imposed by weight or by tale, and no provision is made for refunds: it may in fact be regarded as a tax not only on consumers but on all engaged in manufacture or trade within municipal limits in return for the annunities and facilities provided within those limits.

Instructions of the Punjab Government (Ministry of Local Self-Government) with regard to the preparation of octroi and terminal tax schedules.

46. The following Resolution with regard to the preparation of octroi and terminal tax schedules was issued by the Punjab Government (Ministry of Local Self-government) shortly after the publication of the new Municipal Account Code, 1930.

# Proceedings of the Punjab Government (Ministry of Local Self-Government) in the Local Self-Government Department, No. 21309, dated 8th July, 1930.

### RESOLUTION.

Rules regulating the assessment and collection of octroi and terminal tax in which the assessment and collection of the tax have not been undertaking by a railway administration are contained in chapters V and VI, respectively, of the Municipal Account Code, 1930. It is, however, necessary to supplement these rules by cert in general instructions as to the preparation of schedules and other matters in order to obviate the waste of time and labour involved in the submission by committees of proposals for octroi or terminal taxation which Government are not prepared to sanction. The Punjab Government (Ministry of Local Self-Government) are therefore pleased to issue the instructions appended below, in supersession of all previous instructions on the subject, and too intimate that no proposals conflicting with these instructions will be sanctioned by Government unless in any particular case they can be justified by the most cogent reasons.

2. The instructions relating to terminal tax, unlike the rules contained in chapter VI of the Municipal Account Code, 1930, apply unless otherwise specified in the case of all municipalities, and not only to those in which the assessment and collection of the tax have not been undertaken by a railway administration.

#### Instructions.

1. The main classification of articles to be taxed which shall be adopted in octroi schedules and terminal tax schedules of committees which have not asked a railway administration to collect the tax shall be as follows:—

Class I.—Articles of food or drink for men or animals;

Class II.—Animals of a class usually slaughtered;

Class III.—Articles used for lighting, fuel or washing;

Class IV.—Articles used in the construction of buildings;

Class V.- Drugs, spices, gums and perfumery;

Class VI.—Tobaccos, manufactured and unmanufactured;

Class VII.—Piece-goods and other textile fabrics and manufactured articles of clothing and dress;

Class VIII.—Metals and articles made of metal; and Class IX.—Miscellaneous.

- 2. No octroi or terminal tax shall be levied on the following articles:—
  - (1) bona fide personal and house-hold belongings of persons coming to take up their residence in a municipality, or, in the case of terminal tax, leaving a municipality to take up their residence elsewhere, and bona fide personaluggage of travellers;
  - (2) necessaries (not being articles of food or drink), equipment and clothing imported by officers in command of troops or air force units for the use of their men and followers, and grain and green fodder imported for conl sumption by horses, mules or other animals maintained as part of their military equipage by any person in military or air force service: provided that such grain or fodder is certified by the commanding officer to be imported for bona fide public purposes;
  - (3) articles imported for manufacturing purposes into a jail situated within octroi or terminal tax limits: provided that the goods into which they are manufactured are used in the jail itself or supplied to other departments of Government;
  - (4) all road-making material, such as stone ballast, coal-tar, bitumen, sand, shingle and bricks for soling coats imported by the Public Works Department of Government if accom-

- panied at the time of import by a certificate signed by a gazetted officer of that department that such articles are required by Government for road-making only;
- (5) nitrate of soda, sulphate of ammonia, calcium cyanamide, sulphate of potash, muriate of potash, kainit, superphosphates and basic slag;
- (Note.—These articles have been exempted as being agricultural fertilizers).
- (6) arms of any sort imported or exported by Government;
- (7) gold or silver bullion and coin:
- (8) printed books;
- (9) stamp, stamp paper and petition paper;
- (10) headloads of cow-dung fuel (upla), grass and brushwood;
- (11) railway stores and materials required for use on a railway, whether in constructing, maintaining or working the same, and not remove outside the railway boundaries, but not including stores imported for purchase or consumption by railway employees or stores with which a railway cooperative store is stocked for sale to members;
- (12) goods imported by rail and rebooked and exported without delivery having been taken; and
- (13) goods on which the octroi or terminal-tax amounts to less than three pies.
- 3. It is observed that, according to the old Municipal Account Code, which has now been superseded, salt, opium, petroleum, excisable liquor manufactured in India and drugs liable to excise duty were not liable to octroi taxation. The formal exemption of these articles has, however, not been repeated, but, as the articles in question have always in the past been exempt from octroi duty, the Punjab Government (Ministry of Local Self-Government) will not agree to their inclusion in any octroi schedule, except for very special reasons. It should further be noted that these articles, and also arms imported for other than Government purposes, are already subject to central or provincial taxation, and rates of octroi or terminal tax, if imposed, should therefore be kept low.
- 4. Octroi taxation shall not be imposed at rates exceeding the ad valorem rates indicated below or the corresponding rates by weight or tale:—
  - (1) in the case of articles subject to sea customs duty or the

case cf corresponding indigenous articles—

- (a) building materials, including turpentine, colours and paints, timber, sugar, fresh and dried fruits, vegetables, drugs and spices—411 per cent. (=9 pies per rupee); and
- (b) other articles  $3\frac{1}{5}$  per cent. (=6 pies per rupee); and
- (2) in the case of articles not subject to sea customs duty or the corresponding indigenous articles—ordinarily  $4\frac{1}{16}$  per cent. (=9 pies per rupee); but, in exceptional cases, if the Punjab Government is satisfied that to enforce the ordinary maximum would embarrass the municipal finances— $6\frac{1}{4}$  per cent. (=1 anna per rupee).
- 5. Articles on which octroi is to be levied should be as few as possible, and should generally be main staples of consumption. Articles which would yield but a trivial income, or the octroi on which would have largely to be refunded, should be excluded from the schedule.
- 6. Octroi should, so far as possible, be imposed at ad valorem rates except in the case of articles the price of which varies greatly at different times of the year.
- 7. When submitting octroi schedules for the sanction of Government, statements should be forwarded showing—
  - (a) the average gross and net income of the previous three years and the expected additional gross and net income from each class of articles; and
  - (b) the incidence of the average past and expected future net income from each class in the octroi schedule per head of the population of the municipality.
- 8. Terminal tax shall be imposed by weight, or, in the case of live animals by tale, and not ad valorem, and the notification of the tax shall provide that the tax leviable shall be calculated on the gross weight of consignments including packing, drums and other articles used in packing.
- 9. Though used goods imported in order that they may be repaired and re-exported to the original consignor have not been included in the list of articles exempted from payment of terminal tax, provision should be made in every terminal tax schedule for the exemption of such goods.
- 10. In the case of the articles mentioned in column 1 of the following table, the rate of terminal tax shall not be higher than the

rate shown against each article in column 2 of the table:- the mean-

design of the control		2
Article.		Ratical maung
/ \ Cl_1_		n.
(a) Salt	• • •	Six pies.
(b) Opium and charas		Two annas.
(c) Bhang		One anna.
(d) Country and foreign liquor	<i>:</i>	Eight annas,
(e) Petroleum, including petrol, mineral	and	
kerosine oil		Two annas.
(f) Machinery used for agricultural or	in-	
dustrial purposes		Four annas.
	STORE NAME OF STREET	The second secon

- 11. When both road-borne and rail-borne goods are taxed, the rates imposed on goods imported or exported by road shall in no case be lower than the rates imposed on the same goods when imported or exported by rail.
- 12. Notwithstanding anything contained elsewhere in these instructions, when terminal tax is to be assessed and collected by a railway administration, the classification in the schedule shall follow the classification of articles adopted by the railway administration, to which the schedule shall be submitted for consideration before it is published.
- 13. The schedule shall, in the cases referred to in paragraph 12 above, also provide that—
  - (a) in the case of goods carried in bulk at wagon rates, the tax is to be charged on the weight for charge as shown in the invoice:
  - (b) fractions of maunds and annas shall be dealt with in accordance with the rules in force on the railway, which should be ascertained and stated; and
  - (c) when a consignment consists of two or more classes of reticles chargeable at different rates, each portion of the consignment shall be treated as a separate consignment.
- 14. Whenever it is proposed to levy octroi or terminal tax on machinery of any kind, whether used for agricultural, industrial or other purposes, such machinery should be included as a separate item in the tax schedules, and its inclusion in a term with a wider connotation such as "metal, or iron, and articles made thereof" is not

desirable. The maximum rate of terminal tax to be levied in the case of agricultural and industrial machinery will be as shown in paragraph 10 above; the ad valorem rate of octroi proposed to be imposed should be as low as possible, and not greatly differing from the rate corresponding to the maximum rate of four annas per maund prescribed in the case of terminal tax.

- to the trade conditions of the particular municipality. Articles of staple local industries and the raw materials for their manufacture should not be taxed.
- 16. Necessaries of life should be taxed moderately; luxuries may be taxed more highly, but a high rate of octroi or terminal tax should not be imposed on tobacco, which is almost the only luxury of the poorer classes.
- 47. It will be seen that the Resolution intimates that the Ministry of Local Self-Government will not Exemptions and maxisanction the taxation of certain classes of goods mum rates. and prescribes various maximum rates of octroi and terminal tax to be levied on other classes of goods. At the same time in order that the classes of goods of which the Ministry announced that it was not prepared to sanction the taxation might not become liable to taxation under existing schedules a notification exempting them from taxation was issued under section 71 (1) of the Act.<sup>1</sup> In the case of octroi many of these articles had previously been exempted by rules contained in the old Municipal Account Code, a method of exemption which was of doubtful legality. The absolute exemption of excisable articles has, however, not been repeated though it is intimatedthat the Ministry will not agree to their being made liable to octroi except for very special reasons; the levy of terminal tax on them on the other hand, is permitted subject to certain prescribed maximum rates. A maximum rate of terminal tax is also laid down for machinery used for agricultural or industrial purposes but no general maximum rates have been prescribed for terminal tax as has been done in the case of octroi. The octroi maximum rates were originally prescribed by the Government of India 2 with the objects of ensuring that too great a burden should not be placed on trade and of safeguarding Imperial customs revenue, and though the instructions of the Government of India in respect of this and other matters connected with octroi have now lost much of their force as the powers of superintendence, direction and control vesting in the Central Government in respect of provincial transferred subjects are restricted by rule 49 of the Devolution Rules to certain specified purposes. The Government of India have intimated that they are considering what steps are necessary to bring octroi and terminal taxes under proper control and

P. G. Notn. No. 21306, dated 8th July, 1930.
 G. of I. (Home Dept.) Resolution No. 203-12, dated 9th December, 1904.

the Ministry of Local Self-Government has accordingly in the meantime decided to maintain the *status quo* in respect of maximum rates of octroi.

48. Two matters in respect of which the Government of India

Instructions of the Government of India redifferential taxation of goods according to origin and taxation of foreign goods in transit.

have already issued instructions in exercise of the powers conferred by rule 49 of the Devolution Rules may be mentioned here, viz., the differential taxation of goods in accordance with their country of origin and the taxation of goods of foreign origin in transit through India.

The instructions were conveyed in Government of India, Department of Eduction. Health and Lands, letter No. 157-L. S. G., dated 27th November, 1928, from which the following extracts are reproduced:—

- "3. Rule 49 of the Devolution Rules permits in relation to transferred subjects of the exercise of the powers of superintendence, direction and control over the Local Government of a Governor's province, vested in the Governor-General in Council under the Government of India Act, for the purpose of safeguarding the administration of a central subject. "External Relations" is a central subject and I am to communicate certain instructions which, for the purpose of safeguarding the administration of that subject, the Governor-General in Council considers should be issued for the guidance of Local Governments as to the circumstances in which they should refrain from granting the requisite sanction (or, as the case may be, instruct the appropriate subordinate authority to refrain from granting the requisite sanction to the imposition of octroi and terminal taxes.
  - (a) Sanction should be refused to taxation differentiating between goods according to the origin of the goods. The taxes should not be at rates which differentiate between imported goods and similar articles of national origin and should not be higher or more burdensome on goods produced or manufactured in one foreign country than those imposed on similar goods of any other foreign country.
  - (b) Sanction should be refused to the levy of taxes on goods of foreign origin in transit through India
- 4. I am to explain that the usual form of commercial Treaty between Great Britain and any foreign country provides for the extension of the Treaty to India on notice given by His Britannic Majesty's representative that its stipulations shall apply to India, and it is common, for such treaties to contain a provision, that no internal duties levied for the benefit of local authorities which affect or may affect the production, manufacture, or consumption of any article in the territories of either of the Contracting Parties, shall for any reason be a higher or more burdensome charge on articles the produce or manufacture of the other party than on similar articles of national origin. Octroi and terminal taxes are taken to be internal duties

within the meaning of this provision, and it is essential, therefore, if the Government of India are to observe their treaty obligations. that taxes of this nature should not be levied in such a manner as to differentiate between imported goods and similar articles of national origin. A similar provision exists in the case of those treaties, under which goods produced or manufactured in India enjoy most-favourednation treatment in a foreign country so long as goods produced or manufactured in that foreign country are accorded in India treatment as favourable as that accorded to goods produced or manufactured in any other foreign country. If a local authority imposed on goods produced or manufactured in a foreign country to which India accords most-favoured-nation treatment, taxes which were more burdensome than those imposed upon the like goods of any other foreign country, this would amount to a breach of most-favoured-nation treatment, and goods of Indian origin would cease to be entitled to most-favourednation treatment on importation into that country. Further under the Barcelona Convention and Statute on Freedom of Transit, to which India is a party, goods of foreign origin in transit accross territory under the sovereignty or authority of one of the Contracting States shall not be subject to any special dues except such as are levied solely to defray expenses of supervision and administration entailed by such transit It is therefore necessary that octroi and terminal taxes should not be levied on goods of foreign origin in transit through India."

When the sanction of the Government of India is required the conditions laid down in the Memorandum of Principles must be observed.

It must not be forgotten that when it is proposed to levy terminal tax in a municipality where octroi was not of India conditions he Memo-Principles wed.

It must not be forgotten that when it is proposed to levy terminal tax in a municipality where octroi was not levied on or before 6th July 1917 the sanction of the Government of India is still required. In such a case, therefore, it is not sufficient that the proposed schedule should comply with the instructions of the Punjab

Ministry of Local Self-Government but regard must also be had to the conditions laid down by the Government of India in their "Memorandum of Principles", (vide Appendix K in Part V below) so far as they can be considered applicable in the changed circumstances of the present day. For the Memorandum is largely concerned with the conditions on which the Government of India will agree to the substitution of terminal taxation for an existing octroi and there is no municipality in the Punjab where octroi has been newly imposed since 6th July 1917. It is therefore only cases of the levy for the first time of a tax on imports in the form of terminal tax that can require the sanction of the Government of India and the Government of India's condition that an income approximately equal to the average net income for octroi in previous years should be aimed at, is inapplicable.

Taking however the instructions of the Government of India as they stand, the procedure to be adopted by a committee which desires to substitute terminal taxation for octroi may be considered in detail. First then in submitting proposals

gether.

for a terminal tax a committee must make out a case on the grounds

Proposals to be justified with reference to para. 1 of the Memorandum of Principles.

In the Punjab justification will almost always be found in the high percentage of refunds during past years, and the proposals should be accompanied by a table showing the previous 5 years.

Next comes the framing of the terminal tax schedule. In accordance with paragraph 4 of the "Memo-Proceeds of terminal randum of Principles" the result to be aimed tax not to exceed average at is an income approximately equal to the net income from octroi. from octroi in previous years. The proposals average net income accompanied by a statement showing what the should therefore be net income from octroi has been during the previous 5 years. The question as to whether only rail-borne goods or both rail-borne and road-borne goods should Taxation of road-borne goods to be considered. be taxed, has been to be considered. If possible it is preferable to tax only rail-borne goods, as collection through the railway administration is simple and inexpensive, whereas if road-borne articles are also taxed collecting barriers have to be arranged for on all the approaches to the town and many of the evils attaching to octroi will thus survive. It must, however, be remembered that it may sometimes be necessary to tax road-borne goods if import or export by road with the object of evading the tax would pay. In considering this the rates of cartage to the next nearest railway station plus or minus the extra freight charges involved in booking from such stations should be compared with the proposed terminal tax rates. If these rates are such as to make it profitable to evade the tax by import or export by road, a tax on road-borne goods at such rates as will neutralise this advantage should be imposed, or it may be found advisable to drop the proposed tax on some classes of goods alto-

In any case the starting point of the investigation should 52.be a statement of the average quantities of goods imported into and exported from the Statement of average municipality by rail during the previous three imports and exports by rail required. The railway administration or four years. should be asked to supply these figures, the committee agreeing if necessary to find the pay of any extra clerical staff which may be required to excerpt the figures. A glance at these figures should be sufficient to show what articles should be taxed on import and what on export, the object being to make all important interests in the town contribute their due share of municipal taxation. Further if these figures are taken as a basis for the proposed schedule, it will comply requirements of paragraph 11 of the "Memorandum of with the Principles."

Exclusion from terminal taxation of articles

yielding an insignificant

53. It should be noted that the Government of India insists on the exclusion from terminal tax schedules of articles yielding an insignificant return. Of such articles there must be many thousands and an exhaustive list could not be drawn up. Nor is

return. it easy to conceive of classes of articles yielding an insignificant return which should be omitted In any case the trouble involved in the preparation of a schedule on these lines and in subsequent references to a schedule containing large numbers of exceptions in order to ascertain whether any particular article is included among such exceptions, seems hardly commensurate with the relief afforded to the rare importers or exporters of the excepted articles

Having decided what articles to tax, the committee has next to decide what rates to impose. Paragraph 7 of the Memorandum of Principles re-Discussion of terminal quires that when an article is the subject of tax rates. through trade the rates should be substantially lower than the ordinary standard of octroi. Some indication of what articles are the subject of through trade will be afforded by the refunds statistics. reduction of the existing octroi rate on such an article by a percentage equal to the average percentage of the gross income from octroi received in respect of such article which is refunded, will produce a terminal tax rate which theoretically will bring

Percentage of refunds of octroi a factor in determining terminal tax rates.

in the same net income as the existing octroi Thus if the existing octroi rate on piecerate. goods amounted to Re. 1 per maund and the average percentage of refunds in respect of piece goods had been  $33\frac{1}{3}$ per cent, the terminal tax rate should be Re.  $1\frac{1}{3} = 10$  annas 8 pies,

and a rate of 8 annas per maund would be unexceptionable.

In making these calculations the difficulty presents itself that in the case of most articles subject to octroi Conversion of ad valothe octroi rate is an ad valorem rate whereas rem octroi rates into the terminal tax rate must be maundage rate, maundage rates. and to convert the one into the other there must be a valuation of the articles concerned. This is a delicate task in which the co-operation of the commercial community should be enlisted.

In the case of article in which there is no through trade it may be found desirable to impose a rate High rates when justilittle if anything lower than the existing octroi Thus in Delhi the Government of India fied. rate. agreed to a rate of Re. 1-8-0 per maund on ghi as refunds for the past 30 years had been practically nil, and the octroi was to all intents and purposes already a terminal tax. The retention in such cases of existing high octroi rates may enable a very considerable reduction to be made in the rates on articles which are the subject of through trade and this should not be lost sight of.

Special local circumstances to be considered.

Should be made not to penalise a local industry, and though it is only right that such industries should bear their share of municipal taxation, some reduction of rates theoretically justifiable is obviously to be desired in such cases.

Tabular statements which should accompany proposals for terminal taxation.

In submitting its final proposals a committee will facilistatements accompany terminal terminal tate their consideration by Government if it exhibits them so far as possible in the shape of tabular statements and the following statements are suggested for adoption:—

418	MU	UNICIPAL LAW AND PRACTICE	[ P	art III	
	Percentage of gross income refunded.				A CONTRACTOR OF THE PROPERTY O
	Net income from octroi.			\$1	
STATEMENT 1.	Amount refunded.				
	Gross income from octroi.				
	Уван.		Total	Average	

In cases where the sanction of the Governor-General in Council is still required for the imposition of a Statements to be submitted to the Govern-

ment of India.

terminal tax, statements of exports and imports of the articles on which the tax is to be levied

have to be submitted in the form given below together with the present (if any) and anticipated revenue under each head, in order that the incidence of taxation on the commodities effected may be gauged :

1	]	on the commoditie	s eneci		be gar	iged:-	7
	evenue on sorts.)	ı bətaqisitna latoT xə 10) atroqmi	12	Rs.a.p.			
	Proposed terminal tax or toll (if any) on road borne traffic.	Revenue.	H	Rs. a. p.			
ASSUMED IMPORTS (OR EXPORTS).	Proposed ter toll (if any borne	Rate per maund.	10	Rs. a. p.			
	Proposed rminal tax rail-borne traffic.	Кечепие.	6	Rs.a.p.			
	Existin	Rate per maund.	8	Rs.a.p. Rs.a.p. Rs.a.p. Rs.a.p. Rs.a.p.			
		Кечепие.	2	Rs.a.p.			
		Rate per maund.	9	Rs.a.p.		4	
		To) stroqmi IstoT	70	Rs.a.p.			
		By road.	4	Mds.			
		.lisı va	က	Mds.			
	Aricle.		2				
		ber.	4				

- The tax on the annual value of buildings and lands Increasing resort to leviable under section 61 (1) (a) (i) of the Acthouse-tax anticipated. usually known as the house-tax-has been imposed only in fifteen municipalities in the Punjab, and this fact illustrates in a striking manner the aversion to direct taxation which is a feature of municipal administration in the Punjab. It also perhaps reflects the fact that most members of municipal committees are house-owners. Yet the time is coming when committees will be forced to have much greater recourse to direct taxation if they are to meet the demand for improved sanitation and other amenities which is every year increasing in strength; and though the circumstances of many towns, where old and decayed families continue to live in houses which are the remnant of better days and much above their present status in the social scale, are not very suitable for a house-tax, it may safely be anticipated that local bodies will more and more have to resort to this tax if they are to raise the funds which the needs of their towns require.
- The provisions of Chapter V of the Act are largely concerned with the taxation of immovable property, Provisions of the while most of Chapter VII of the Municipal Act and rules there-Account Code, 1930 deals with taxes on houses. under re house-tax. buildings and lands. It should be noted that committees no longer possess the power, which was conferred by section 143 (1) (j) of the Punjab Municipal Act, 1891, of regulating by bye-laws the assessment and collection of taxes. Bye-laws made under that section by e.g., the Lahore and Simla committees have therefore no longer any force, as they are not saved by section 2 (2) of the present Act. The whole procedure of assessment and collection of this and all other taxes is now prescribed by the Act itself or rules under the Act, and practically the only matter in regard to which any discretion is left to committees is the fixing of dates and instalments for the payment of taxes payable periodically-vide section 79 of the Act-and even for this the previous sanction of the Deputy Commissioner is required. In the administration of house-tax two of the most important points to attend to are the prompt assessment of new buildings and the periodical revision of In most cases a revision of assessments throughout all assessments the municipality in the same year would be a serious matter, necessitating probably the employment of additional staff, and it is preferable to revise assessments in one or two wards only each year. This can be done by the ordinary staff and should ensure the revision of all assessments at least every ten years.
- 62. In connection with the house-tax, the following instructions with regard to the payment of municipal taxes on Government buildings contained in Appendix BBBB (o) of the Civil Account Code, Vol. I, may be noted. "Municipal taxes on a Government building other than military, are paid by the department occupying it, and debited to that department. When such payments are made by officers other than those who occupy the buildings, steps should be

taken to insure that the payments are not made after the buildings cease to be so occupied..........But in any case in which a lump sum is paid for all Government buildings or for a number of Government buildings in a municipality, it shall, provided the buildings are in the occupation of more than one department of Government, be paid in the Civil Department and debited to Miscellaneous. Charges on this account in respect of buildings which are borne on the books of the Public Works Department should be supported by a certificate from the Executive Engineer concerned, either accepting the assessment or stating that all legal means have been or are being taken to have excessive assessments reduced. In respect of other Government buildings, the assessments should be certified to by the departmental officers concerned.

# (b) Fees.

63. Apart from Fees leviable under the

Tunjab Municipal Act, 1911.

taxation committees have a considerable source of income in fees realisable under the Act. The following sections of the Act authorise the levy of fees:—

Section.	Description of fees.
80 (2)	For a notice of demand of payment of a tax on
106	property.  For the use of bathing and washing places.
109 (a) (ii)	For the detention of stray dogs.
121 (3)	For licenses for dangerous or offensive trades.
167	For the use of slaughter houses.
168	For the disposal of the carcases of dead
	animals.
170	For permission temporarily to occupy any
하늘 병원에는 시간 이 경기를 다고	street or land vested in the committee.
187	For attendance at fairs.
188 (a)	For vehicle, animal and drivers' licenses.
188(e)(ii)	For markets.
188 (k)	For letting off fireworks, etc.
188 (s) (i)	For the registration of dogs.
188 (u)	For permission to place moveable encroachments, etc., on streets.
197 (e)	For licenses of premises for the preparation for sale or sale of specified articles of food
198 (d)	and drink.
440 (u)	For licenses for job porters, rickshaws, etc., in hill municipalities.

Restrictions on levy of fees under the Punjab Municipal Act, 1911.

Restrictions on levy of fees under the Punjab Municipal Act, 1911.

Restrictions on levy of fees under the Punjab Municipal Act, 1911.

Restrictions on levy of fees under section 167 of the District Magistrate, while fees levied at fairs under section 187 can only be levied with the sanction of the Deputy

Commissioner or, if he is a member of the committee, of the Commissioner. Fees leviable under sections 188 and 198 are to be levied by means of bye-laws which require the confirmation of the Local Government.

65. In municipalities to which the Hackney Carriage Act, 1879, has been extended the committee can, by rules under made under section 6 of that Act and confirmed the Hackney Carriage Act, 1879 and the Vacciby the Commissioner, charge fees for carriage nation Act, 1880. and drivers' licenses. Similarly committees of municipalities to which the Vaccination Act, 1880, has been extended may prescribe fees, by rules made under section 19 of the Act and confirmed by the Commissioner, for vaccination with animal lymph under section 15, and for the vaccination of a child by a public vaccinator beyond his vaccination circle at the request of the parent or guardian of the child. In the case of fees leviable under the Punjab Pure Food Act, 1929 it should be noted that though in certain circumstances such fees are, under rule 16 of the Punjab Pure Food Rules, 1930 to be deposited with the municipal treasurer they are not leviable by any local authority itself but are under the act and the rules.

Levy of other fees detailed above and school and hospital fees a committee is not authorized to levy any other fees whatever, and this should be borne in mind when bye-laws, e. g., for licensing street-hawkers are being framed. In such cases licensing is authorized merely to secure control and not in order to provide a source of income for committees.

## (c) Fines.

- Fines to be credited to the municipal fund.

  Fines to be credited to in cases in which prosecution for offences committed within the municipality are instituted under the Punjab Municipal Act, 1911 or byelaws made thereunder, under section 34 of the Police Act, 1861, under the Prevention of Cruelty to Animals Act, 1890, under the Hackney Carriage Act, 1879 and the rules made thereunder and under any other Act or rules made under it in which provision is made for the credit of such fines to the municipal fund. The only other such Acts are the Vaccination Act, 1880 and the Punjab Primary Education Act, 1919.
- Statement of fines to be obtained monthly from Courts.

  Statement of fines to be obtained monthly from Courts.

  Statement of fines to to in rule XI 13 of the Municipal Account Code, 1930 is duly received. Any unpunctuality in its

submission should be brought to the notice of the District Magistrate.

## (d) Other Sources of Income.

The other chief sources of income, apart from grants and contributions, are conservancy, receipts Management of munifrom sale of water, and rents and salecipal lands. proceeds of lands and buildings, the property of or vested in the committee. Other minor items are income from gardens, pounds, copying fees, cattle fairs, etc., which require no special mention. Conservancy receipts and income from sale of water will be mentioned in their appropriate places in subsequent chapters. Rents of lands and buildings are an important source of income deserving of special notice. In respect of Government lands, transferred to committees for management, the rules made by Government (vide page 146) relate to temporary or permanent alienation and require the consent of Government to the construction permanent buildings on such lands or the permanent diversion of such lands from their existing use. More detailed rules as to the management of lands, whether Government or municipal, are contained in Chapter XI of the Municipal Account Code, 1930. This provides for the appointment by every committee of a Lands Officer and such number of Rent Insectors, Rent Moharrirs and Rent Collectors as may be necessary. The Lands Officer is made responsible generally for the collection of all rents, fees and other dues in respect of immovable property of the committee, and is required, when the lease of any property is about to expire, to submit a report reviewing the rent hitherto charged with a view to its enhancement if conditions so permit, or making recommendations for the sale of the property or its diversion to more profitable use. The Rent Inspectors are required to see that no immovable property of the committee is occupied except with the permission of the committee and that the rents charged by the committee for the occupation of such property are promotly realized. It should be noted that this staff is concerned not only with the leasing of considerable areas of vacant land but also with the temporary occupation of small plots of land and portions of public streets by shop-keepers, pedlars and other such persons. The Lands Officer is required from time to time to prepare a schedule showing the plots of land available for such occupation and the rates at which they may be occupied in accordance with the resolutions or bye-laws of the committee, and it is prescribed as a duty of the Rent Collectors constantly to patrol the municipality in order to see that every person in occupation of a scheduled plot or any portion of a public street pays the prescribed rent or fee and takes out a teh bazari ticket, while Rent Inspectors are required to make periodical rounds in order to see that the Rent Collectors are performing their duty. Strict compliance with the rule contained in this chapter of the Account Code is necessary if a profitable source of income is not to be neglected and if encroachments upon municipal lands and streets are to be prevented. Committees should however not be content with mere compliance with the provisions of the

Account Code but should endeavour to exercise the same care and zeal in the development of properties vested in them as a private land-owner devotes to his own property. A careful survey of such properties will often show that there are many small plots which are of no use for any public purpose but might be most valuable to the owners of adjoining private properties, or it may be possible to arrange exchanges with private owners with a view to consolidating municipal properties and this perhaps to obtain a site for a school or some other purpose for which no single plot of municipal land is large enough.

Instructions of Government with regard to ener achments on nazul land.

- 70. The instructions of Government, contained in rule 10-B of P.G. consolidated circular No. 27, with regard to encroachments upon nazul land vested in local bodies may suitably be reproduced here:—
- "10 B. In submitting recommendations regarding the action of Government in cases of encroachments on nazul land vested in local dodies the following instructions and principles should be borne in mind:—
  - (a) In the case of encroachments which date back more than thirty years and less than sixty years, Government has liberty of action—
    - (i) in cases where the land encroached upon should clearly be restored to its original purpose, and Government can make no other use of it, Government should lodge a civil suit provided that the local body agrees in writing to pay to Government the cost of litigation whether the suit be successful or not. If the local body declines to give an undertaking to this effect, no action need be taken;
    - (ii) in cases where it is not necessary to restore the land to its original use, the action of Government will be determined by expediency and its own interests. If a compromise cannot be reached with the encroacher either for purchase or lease of the land encroached upon a civil suit should be lodged, provided that a suit is likely to be successful, and that the value of the land is sufficient to compensate for the trouble and odium involved. The costs of the suit will be paid by Government and the sale-proceeds or income of the land will be credited to Government.
  - (b) In the case of encroachments which date back less than thirty years, Government should take direct action only after reasonable opportunity has been given to the local body to take action. When an encroachment is discovered,

the local body should be given full information in regard to it, and should be asked to state within a specified time, which ordinarily should not exceed six months, firstly, whether it considers it necessary that the land encroached upon should be restored to its former use so that it may continue to vest in the local body, and secondly, if it so considers, whether it is prepared to lodge a civil suit against the encroacher within a specified time, which should ordinarily not exceed twelve months. At the same time, the local body should be informed that if it does not desire the restoration of the property to its former use, or if it is not prepared to lodge a civil suit for the purpose within the time specified, Government as owner of the land will regard itself as free to take such action as it may consider proper.

- (c) If the reply of the local body is to the effect that it does not consider it necessary to restore the land encroached upon to its former use, the action of Government will be determined by the considerations mentioned in sub-paragraph (a) (ii) of this paragraph. If a civil suit is lodged, Government will make the local body a proforma party, but Government will meet the cost of litigation, and will take the benefit consequent on a successful issue.
- (d) If the local body refuses or fails to lodge a civil suit within the period specified, then the action of Government will be determined by the same considerations as are indicated above; but it will not, except in special cases, be prepared to take action where the land encroached upon should be restored to its original purpose."

## (e) Loans.

- Act and rules regulating the raising of loans. Act and rules regulating the raising of loans. The Local Authorities Loans Act, 1914, and the rules made thereunder—vide Appendix L. The power of making rules under this Act now vests in the Local Government but the following "more important considerations which Local Governments and Administrations should bear in mind in scrutinizing applications for loans or for sanction to the raising of loans in the open market" which were set forth in para. 4 of a Resolution of the Government of India—Finance Department—No. 1019-A, dated 10th November, 1914, are worth bearing in mind:—
  - "(1) The lengthening of the maximum term for loans taken from Government from 20 to 30 years does not imply that the Government of India consider that this maximum limit should be worked up to in each case. In many instances, indeed, a much lower limit is desirable

Thus in the case of loans raised for famine or plague expenditure or for ornamental works or for any other expenditure which should ordinarily be met from revenue, a much shorter period should normally be prescribed. In all cases an important factor in determining the period of the loan will be the nature of the works for which it is to be taken, and their utility and probable life; and in this connection the liability of the works to become obsolete as well as their intrinsic durability should also be considered. It should also be borne in mind that the prolongation of the loan period does not involve a proportionate decrease of the annual charges, and that in ordinary circumstances the policy of early re-payment will most conduce to economical administration and the maintenance of the credit of the local body concerned.

- "2. When a local authority desires to obtain a loan, the account of its financial position, required under rule 4 (8) should be in sufficient detail to exhibit the financial position of the local authority for the three last preceding years, and in particular the following instructions should be observed:—
  - (a) The receipt side of the account should show only ordinary revenue. Receipts from loans or deposits, or the investments of sinking funds should be excluded as well as items of abnormal character which should be indicated separately when required.
  - (b) On the expenditure side interest on debt and payments to a sinking fund should be included, and all expenditure from loan funds and re-payment of advances or deposits should be excluded.
  - (c) Explanations should be given of important variations in the accounts of revenue and expenditure.
- "3. Similarly when a loan is required for the financing of extensive projects, the local body concerned should be required to submit a comprehensive works and loan programme and to indicate the expected annual distribution of the expenditure and borrowings involved. No expenditure should ordinarily be incurred on the works until the loan for the entire project has been sanctioned, and the project itself has received the technical and administrative approval of the authority with whom the power of sanction rests.
- "4. In the case of loans raised by local bodies in the open market it is at present the practice, in all cases, to require that the date of issue shall receive the previous approval

of the Government of India. In future this condition will only apply if (a) the loan exceeds Rs. 5 lakhs or has a currency exceeding 30 years, and thus requires the sanction of the Government of India, (b) if it is proposed to issue it at a date later than the end of April and prior to the floatation of the Government of India's rupee loan for the same year.

- Applications from local bodies for permission to issue sterling loans cannot be favourably considered unless there is a reasonable prospect of the money being raised at a rate of interest not more than 1 per cent. above that at which the Government of India can itself at the time borrow in London and at a price not appreciably below Such applications require the approval of the Secretary of State; and the date on which the local authority proposes to float the loan must also be reported for his previous approval. It is essential to the success of such borrowing that timely application should be made; that the transaction should be conducted with all possible despatch at every stage; and that the negotiations should be perfectly definite on all important points. The borrowing body is required to make its own arrangements for bringing out the capital to India and for remitting the interest to the holders of the stock.
- "6. The rate at which the improvement of the sinking fund is to be calculated under rule 18 (1) should ordinarily not be assumed to be higher than 3 per cent. per annum. The matter is one in which a policy of caution is essential in order to ensure that there shall be no risk of the scheme of re-payment failing to conform to the expectations on which the loan was originally raised. At the same time the Government of India do not desire to fetter unduly the discretion of I ocal Governments in this matter, and cases will doubtless arise in which a slightly higher rate than 3 per cent. can safely be assumed. This may, for example, be legitimate in the case of loans for unusually short periods. Again, there is a special case of a local body creating a sinking fund by the purchases of its own securities."

Considerations with regard to the raising of loans. P. G. letter No. 1954 (L. S.G.—Comts.), dated 6th February, 1924.

- 72. Attention was drawn to various considerations connected with the raising of loans in P. G. Letter No. 3954 (L. S. G. Comts.), dated 6th February, 1924, from which the following extracts are reproduced:—
- "2. The advisability of using the loan method for financing drainage and town improvement schemes seems now to have been realized, but it appears that hesitation to undertake such loans

still exists in nany places and arises chiefly from a reluctance to increase taxation in order to meet re payments of principal and interest on these loans. It is felt that a decrease in the amount of interest payable on these loans would minimise this reluctance.

- '3 I am to request you, therefore, to draw attention of local bodies to the provisions of rule 4 (6) of the Loans Rules whereby a loan can be raised in instalments. Some local bodies appear to have been in ignorance of this possibility and have raised large loans on which they have paid interest for a considerable time before the money was actually required for expenditure upon the scheme for which it was borrowed. By taking the loan in instaln ents these local bodies would have been saved considerable unnecessary expenditure.
- "4. I am also to point out that if at any time during the progress of a scheme for which a loan has been received, it appears that the money will not be required till a later date, an application can be made to postpone the crediting of the loan or next instalment. The postponement would normally cause no loss to Government and no loss therefore, would have to be made good by the local body under clause 4 (11) of the Rules.
- "5. It may sometimes also happen that a local body, having been credited with a loan or an instalment of a loan, finds itself unable to expend the money till some later date. Government are prepared to consider favourably all proposals for the temporary re-payment to Government of these advances. During the period in which the money remains with Government on refund no interest would be chargeable to the local body.
- "6. Such adjustments would necessitate consequential alterations in the statements of repayments which are notified with all such loan transactions. Applications from any local body to delay payment of a loan or to refund an instalment of a loan must, therefore, be accompanied by an amended statement of repayment."
- Date by which intimation should be given of intention to apply for loans.

  Observed that in the case of a loan for which no provision has been made in the budget but which is urgently required it may be possible to find funds by savings on other loans for which provision has been made or by obtaining a supplementary grant. Local bodies should therefore not be deterred from applying for loans even if they have not given intimation in advance, but they should realise that if they wish to be certain of obtaining loans such intimation must be given:

- "I am directed by the Punjab Government (Ministry of Education) to refer to Punjab Government Notification No 23393, dated the 16th August, 1926, amending among other rules, rule 5 of the Local Authorities Loans Rules, 1922, which before amendment required the submission of applications for Government loans in time to reach the Commissioner by the 10th October, preceding the financial year in which the loan was required It was found that in many cases the necessity of raising a loan could not be anticipated by the local body in time and in some such cases the matter was urgent and could not be postponed. The relevant rules of the Local Authorities Loans Rules, 1922, have therefore been revised, but it is obviously desirable that Government should have due notice of the presentation of loan applications, so that provision may be made in the budget estimates of the year concerned. It has been decided not to budget for any reserve for such purposes, and in all cases where proper intimation is not given to Government of the intention of a local body to apply for a loan, it will not be possible ordinarily to sanction the grant of a loan until funds have been obtained by presenting a supplementary demand to the Punjab Legislative Council.
- "2. I am, therefore, to impress upon you the desirability of submitting in time all applications by local bodies for loans from Government. It will not be necessary for such applications to be in the form prescribed in the Local Authorities Loans Rules for the Punjab, 1922. Formal applications may be submitted later. All that is needed is that Government should know which local bodies will apply for a loan in the coming financial year and what the amount of the loan will be. Local bodies desirous of applying for loans from Government may accordingly be instructed to submit their applications through Deputy Commissioners and Commissioners so to reach Government not later than the 1st of November preceding the year in which the loan is required. It should be noted in each case whether the loan, if granted, is likely to be utilised in the coming financial year and local officers may make any other remarks relevant to the case.
- "3. It should be noted that the date fixed in para. 2 above is absolutely the last date for inclusion of the amount of the loan in the budget for the ensuing year, and that no extension is possible. It is therefore advisable to submit applications for loans well in advance of that date."

# SECTION 2.—Expenditure.

(a) Charges on the Municipal Fund.

74. Sub-section (1) of section 52 of the Act lays down the charges which are to be regarded as first charges on the municipal fund. For convenience of reference those charges may be re-capitulat-

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ed here. They are—

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- (a) such sum as may be required for the payment of any amounts falling due on any loan legally contracted by the committee;
- (b) such sum as may be required to meet the charges of the committee's own establishment, including such subscriptions and contributions as are referred to in sections 43 and 44, and such sum as may be required for the maintenance of a police establishment under Chapter VI of the Act;
- (c) such sum as may be required to pay (i) the expenses of pauper lunatics sent to public asylums from the municipality and as ought, in the opinion of the Local Government to be paid by the committee, (ii) the expenses incurred in auditing the accounts of the committee, and (iii) such portion of the cost of any public expenditure by the Government of India or the Local Government as may be held by the Local Government to be equitably payable by the committee in return for services rendered.
- 75. Sub-section (2) of section 52 prescribes other particular objects on which the municipal fund may be Other charges on the spent subject to any rules which the Local municipal fund. Government may make with respect to the priority to be given to the several duties of the committee, and clause (1) of this sub-section empowers a committee with the sanction of the Local Government to declare anything else to be an appropriate charge on the municipal fund. Attention is invited to this clause as in the past it has been assumed that the Local Government has power to declare that municipal committees shall bear certain specified charges. The Act, however, confers no such power directly on the Local Government, though under section 240 (1) (a) the Local Government may make rules with respect to the duties of committees, and if a committee fails to meet the expenses incurred in performing duties so prescribed, the performance of those duties and the expenses can be secured under section 234.

76. As the sanction of the Local Government is required to the declaration of anything not specified in sec-Power of Local tion 52 as an appropriate charge on the bet charges are not municipal fund, it is obviously within the com-

petence of the Local Government to declare

what is not an appropriate charge on that fund.

Government to declare what charges are not appropriate charges on the municipal fund.

Such a declaration may be merely an intimation of the things in respect of which it will not sanction the declaration of any committee under clause (l) of sub-section (2) of 52, or it may be intended to call attention to the fact that a particular matter is not specified in section 52 and that municipal revenues cannot in consequence be spent in connection with that matter unless a declaration has been made by the committee under clause (l) and sanctioned by the Local Government. An instance of the case of the latter

nature is afforded by P. G. Letter No. 416, dated 30th November 1888, in which it was pointed out that expenditure on the construction and repair of religious edifices was not warranted by the Municipal Act, and that if it was proposed to make a grant from municipal revenue for such a purpose the special orders of Government should be previously obtained.

- 77. Of the statutory first charges that for payment of police Police charges and establishments and buildings under section 52 other contributions re- (1) (b) was remitted in Government of India mitted. (Department of Education) letter No. 74, dated 15th June, 1911\* while the following contributions formerly recovered partly under section 52 (1) (c) and partly in return for the surrender of items of provincial income, were remitted by the Secretary of State in 1914—vide Government of India No. 16—27 dated 11th July 1914:—
  - (1) cost of Divisional Inspector of Vaccination,
  - (2) cost of Commissioners' local fund establishments,
  - (3) cost of Deputy Commissioners' local fund establishments,
  - (4) for Government High Schools,
  - (5) for the Lahore Medical College,
  - (6) for Nazul properties,
  - (7) cost of cattle-pounds,
  - (8) cost of cattle fairs.
  - 78. The charge on account of pauper lunatics—(c) (i) above—has for the present been fixed at Rs. 12 per mensem per head for Hindus and Mohammadans while in the case of European and Eurasian lunatics the actual charges incurred are recovered. The amount payable by each municipal committee is intimated to it by the Accountant-General direct, and the committee has then to pay the amount into the district treasury and inform the Accountant-General that it has done so—vide P. G. letter No. 1152 (Finl.), dated 23rd April, 1915.
    - 79. Grants-in-aid to leper asylums are one of the expenses to the payment of which the municipal fund is applicable under section 52 (2) (d) of the Act,

<sup>\*</sup>Note.—The fact that municipal committees have been relieved of the necessity for paying for provincial police employed in their towns does not make expenditure from the municipal fund on municipal police or watchmen illegal. In some of the small municipalities Government owing to want of funds has not yet provincialised the small municipalities Government owing to want of funds has not yet provincialised the police establishments and these have still to be maintained by the municipal committees. The matter is mentioned as in one municipality the payment of municipal police was placed under objection by the Accountant-General in the Local Funds Department and it was not until the considerations adduced above were pointed out

but under the system now in force the leper asylums at Tarn Taran and elsewhere are maintained to a large extent by a grant from provincial revenues. Recoveries are, however, made from local bodies for the cost of maintaining lepers from their respective jurisdiction, and these are legitimate under section 52 (1) (c) as "a portion of the cost of public expenditure by the Local Government equitably payable by the committee in return for services rendered." It is in this sense that P. G. letter No. 907 (Home-M. and S.), dated 18th April, 1903, in which the cost of maintenance of lepers at the Tarn Taran Asylum was declared a legitimate charge against local bodies, must be interpreted, for, as has been pointed out above, the Local Government has no power to declare anything to be an appropriate charge on municipal funds under section 52 (2) (l. Recoveries on account of the cost of maintaining lepers are made by the Accountant-General at rates which are fixed every three years according to the average cost of maintanance of each leper during the previous triennium. rate has been fixed for the present at Rs. 74 per adult leper or dependent and half this rate for children-vide P. G. letter No. 235 (Home-M. and S.), dated 28th April, 1914.

- 80. In P. G. Letter No. 1622-S., dated 14th July 1925, it was Cost of public expenditure in connection with municipal elections. of public expenditure incurred in connection with municipal elections is equitably payable by the committee concerned in return for services rendered to it and as such is a first charge on the municipal fund.
- 81. P. G. Notification No. 95, dated 2nd February, 1906, declared that the charges incurred by municipal committees on the journeys of indigent persons the Pasteur Institute at Kasauli. resident in the area within their jurisdiction and suspected of having been bitten by a rabid animal to and from the Pasteur Institute at Kasauli, and on their maintenance there during the period of treatment and return journey, are appropriate charges on the municipal fund.
- Charges for the burial or cremation of paupers.

  Charges for the burial or cremation of paupers dying within municipal limits, the committee having the power to fix whatever rates they may consider adequate for these purposes, vide Punjab Government letters No. 967, dated 8th May, 1888, No. 2119, dated 7th September, 1900 and No. 17217, dated 22nd May, 1920.
- Rewards for the destruction of snakes has been held to be a legitimate charge on municipal revenues since 1882, and rules with regard to this matter have been made by Government—vide page 144, and Punjab Government Resolutions No. 1973, dated 7th October, 1882, and No. 949, dated 12th June, 1889, and P. G. letter No. 454, dated 18th April, 1892.

84. In the case of these last three charges the intention of the

The Local Government has no power under section 52 (2) (/) to make any charges on the municipal fund compulsory.

Local Government was to make it compulsory for municipal committees to meet the expenditure involved. This, however, as has been noted above it has no power to do except by rule under section 240(1) (a) of the Act prescribing the payment of these charges as a duty of muniother cases however where Government has

cipal committees. In other cases however where Government has declared certain expenditure to be an appropriate charge on municipal funds, the declaration has been permissive rather than mandatory, and though the procedure adopted has not been in conformity with the provisions of section 52 (2) (1) of the Act, the spirit of that section have been observed Thus Punjab Government letter No. 624, (Boards Miscellaneous expendiant Committees—Committees), dated 1st

Committees—Committees), dated 1st ture chargeable to the November, 1911, and at the same time it was municipal fund. ruled that it should rest with Deputy Commissioners in the case of 2nd class municipalities, and with Commissioners in the case of 1st class municipalities, to decide what is in each case reasonable expenditure. The grant of rewards by a 1st class municipality to municipal servants who have rendered conspicuous assistance in extinguishing fire, subject to a maximum of Rs. 10 to each individual on any one occasion and subject to the limits of budget provision was declared to be an appropriate charge on municipal funds in Punjab Government letter No. 2, dated 3rd January 1912. More recently the Local Government, repeating the mistake pointed out above, has declared that the costs of cases instituted by municipal employees for defamation against persons accusing them of corruption are an appropriate charge on the municipal fund under section 52 (2) (1) of the Act, vide P. G. letter No. 6022 (L. S. G.-Comts.), dated 26th February, 1924.\* Declarations have also been made, applicable to individual municipalities, with regard to contributions to the Society for the Prevention of Cruelty to Animals, the hire of a band to play in public gardens, contributions towards the expenses of a local cricket tournament, the repair of an historical monument, for membership of an Electric Light Association, the provision of a grazingground for cattle from a city and the enumeration of cattle in a municipality-vide Punjab Government letters No. 637, dated 4th November, 1911, No. 412, dated 22nd July, 1910, No 607, dated 27th October, 1911, No. 363, dated 19th July, 1912, No. 14, dated 4th January, 1913, No. 655, dated 29th October, 1915, No. 675, dated 29th September, 1915, No. 16726, dated 30th August, 1917, No 17606, dated 3rd June, 1920 and No. 22222, dated 30th July, 1928.

Expenditure on the reception of exalted persons.

Expenditure on the reception of exalted persons.

A declaration similar to the declarations referred to in the preceding paragraph was also made, in Punjab Government letter No. 624 (B. & C. C.), dated 1st November, 1911 in respect of expenditure within reasonable limits on the reception of

<sup>\*</sup>Note.—In this letter it was also directed that the rules governing the matter of suits by or against public officers contained in the Punjab Law Department Manual, pp. 59 to 61 should be followed by municipal committees.

of exalted personages and the celebration of public events. In Punjab Government letter No. 28772 (L. S. G.—Comts.), dated 20th December, 1924, these orders were, however, cancelled and the attention of committees was drawn to the correct procedure to be followed if they wished to incur expenditure on these objects. At the same time it was intimated that the Local Government was not prepared to sanction general declarations which would cover expenditure on the receptions of all sorts of personages. Such expenditure should in general, it was explained, be limited to the occasions of visits of members of the Royal Family, His Excellency the Viceroy, His Excellency the Governor, His Excellency the Commander-in-Chief, Members of the Executive Council of the Governor-General or of the Governor, and Ministers of the Punjab, and declarations covering expenditure on all such occasions will be sanctioned by Government. In the case of visits of other persons a special declaration should be made by any committee wishing to spend money on their reception and forwarded to Government for sanction In a subsequent letter No. 20348 (L S. G.-Comts.), dated 12th July, 1926, it was explained that when Government had sanctioned a general declaration that expenditure on the reception of exalted personages was an appropriate charge on the local fund no further sanction was necessary to a declaration as to expenditure on a garden party in connection with such reception. These orders were, however, modified in Punjab Government letter No. 18907 (L. S. G.-Comts.), dated 12th July, 1927, in which it was intimated that Government had decided not to sanction declarations as to expenditure on receptions if such expenditure included any expenditure on garden parties. Declaration made by committees should, therefore, it was directed, specifically exclude expenditure on garden parties. A still further limitation of the expenditure on such occasions to which Government was prepared to agree was announced in Punjab Government letter No. 29915 (L. S. G.—Comts.), dated 25th October, 1928 in which it was intimated that declarations would not be sanctioned unless expenditure on fire works and bands was also specifically excluded in addition to expenditure on garden parties. Expenditure on such occasions should ordinarily be limited to simple decoration of the route along which the exalted personage was to proceed and the provision of tents and an address.

S6. The giving of relief and the establishment and mainte nance of relief works in time of famine or scarcity is a charge to which the municipal fund is applicable under section 52 (2) (f) of the Act. The duties of municipal committees in time of serious scarcity are further defined in paragraph 50 of the Punjab Famine Code, 1906, where it is laid down that municipalities must be regarded as an integral part of the administration and it becomes their duty in time of serious scarcity to subordinate the ordinary objects and method of their expenditure to the special consideration of saving life. In the initial stages of famine or scarcity they should, so far as funds permit, expand their ordinary works so as to meet the demand for employment, enable the opening

of regular relief works to be postponed as long as possible, and afford a test of the severity of the distress and of the necessity for regular relief operations. If provision for such works has not been made in the budget, it is the duty of the Deputy Commissioner to arrange for funds to be set aside for the purpose by re-appropriation from other budget heads,—vide paragraph 55 of the Punjab Famine Code.

- 87. Expenditure on measures to combat plague is not specifically mentioned in section 52, but the municipal fund is applicable to the payment of such charges under clause (l) of section 52 (2). The following extracts from the Punjab Plague Manual, 1911, explain the position with regard to local plague expenditure:—
- As regards expenditure by local bodies, municipalities .....will make provision in the ordinary way for plague expenditure when compiling their annual budgets. Provisions should be made under three heads, i.e., (1) evacuation and measures connected therewith; (2) rat poisoning and trapping, disinfection and desiccation; (3) miscellaneous expenditure, rewards for reporting, etc., and the three sub-heads thus indicated should be opened under the head.........23. Plague charges, in the case of municipalities. In drawing up the budget, provision should be made for the expenditure of such a sum only as is reasonable in view of the financial position of the district board and its obligations in other directions. As will be explained below, it is intended that the sum thus provided shall definitely exhaust the obligation of the local body for expenditure on plague during the year. Commissioners, in passing orders on the annual budgets of local bodies, should see that the provision made is adequate in view of the financial position of the body concerned.
- "112. In carrying out plague measures, local bodies will be expected to operate in the first instance against the provision existing in their budgets. On this becoming exhausted they will approach the Commissioner for a grant-in-aid. Allotments will be made to each Commissioner to meet immediate requirements; he will apply for further grants as this becomes necessary. No formal presentation of figures will be necessary. Government, through the Inspector-General of Civil Hospitals,\* is in close touch with the progress of plague measures in the affected districts and will at once intimate the amount of the grant-in-aid which can be given with reference to the provisions made under heads III (1) and (2) in the provincial budget. It is hoped that by this method plague expenditure can be financed rapidly and efficiently.

"115. Grants-in-aid can be given by Local Governments to municipalities only in exceptional circumstances (Government of

<sup>\*</sup> Now the Director of Public Health,

India No. 120, dated 8th June, 1907), as for instance, where the municipality is called upon to bear exceptional expenditure on plague measures which it is unable to meet with its ordinary resources. It is requested, therefore, that Commissioners will bear in mind that grants to municipalities should be the exception rather than the rule, and should be made with special reference to their financial conditions.

Charges to which the municipal fund is applicable under statutes other than the Punjab Municipal Act, 1911.

In addition to the charges to which the municipal fund is applicable under the Municipal Act, there are certain charges to which that fund may or shall be applied under other statutes. Thus section 45 (1) of the Indian Tramways Act, 1886, declares a municipal fund applicable sub-

ject to the control of the Local Government to the payment of expenses incidental to the exercise of the powers and functions which may be vested in or exercised by a local authority under the Indian Tramways Act, and with the previous sanction of the Local Government a municipal fund is also applicable under section 45 (2) of the same Act, to a guarantee of the payment of interest money to be applied, with the concurrence in writing of the municipal committee within the limits of the municipality to any of the purposes to which the fund might be applied by the committee under section 45 (1).

So too section 23 of the Vaccination Act, 1880, requires that all expenditure incurred under that Act in any municipality shall be paid from the municipal fund.

Similarly section 8 of the Hackney Carriage Act, 1879, lay down that the amount of any expenses incurred in giving effect to that Act in any municipality shall be debited to the municipal fund.

Finally the Punjab Primary Education Act, 1919 requires considerable expenditure by committees of municipalities in which Part II of the Act is in force.

#### (b)—Investments.

Section 55 of the Act authorizes a committee to invest a 89. portion of the balance of the municipal fund with Principles which certain restrictions. The general principles which should govern the investshould govern the investment of municipal funds ment of municipal bahave been laid down in the Government of India (Finance and Commerce Department) Resolution No. 2312-A, dated 1st May, 1901. "The fundamental principle is that taxation should be limited to meeting the requirements of current expenditure. This limit may be exceeded in special cases such as sinking funds for the re-payment of debt, or projects of expenditure on a large scale which require the accumulation of more than one year's taxation. In such cases a surplus may legitimately be invested until it is required for disbursement. But in the absence of such special circumstances, the existence of a surplus available for investment points to the necessity

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for taking administrative measures for the reduction of taxation. Local Governments are competent to sanction the investment of funds, such as municipal funds, which are derived from local taxation, but in exercising this power they should be guided by the same principles which are followed by the Government of India in sanctioning the investment of monies derived from general taxation." To the special cases cited in this resolution as cases where surplus fund may legitimately be invested may be added depreciation funds for the renewal of expensive installations of machinery in water-works and the like. In the present condition of municipalities of this province, however, the existence of a surplus available for investment in the absence of such special eigumstances must be considered not so much to point to the necessity for taking administrative measures for the reduction of taxation as to indicate a failure on the part of the committee concerned to realize its responsibilities and a lack of initiative in promoting the improvement of the town committee to its care.\*

Register of Investments requires that details with regard to all investments ments made by a committee, including fixed deposits placed with a bank but excluding investments made for provident fund balances and hospital or dispensary investments shall be entered from time to time as occasion arises in a Register of Investments of which a form is prescribed. Similar registers are prescribed in respect of provident fund and hospital investments in rules XVI-12 and XV-4 respectively of the Municipal Account Code, 1930.

# SECTION 3.—Budgets.

The Municipal Account Code, 1930, contains detailed provisions as the manner in which budgets The passing of the are to be framed and passed. It has been budget one of the most objected that for committees of small municiimportant duties of compalities with exiguous resources these provisions are unnecessarily elaborate and difficult to understand, but the principle underlying the procedure which has been prescribed applies in fact with equal force whatever the size of the municipality may be. That principle is that at least once a year every committee should take stock of its position, see what its existing commitments are, what schemes for improvement have been proposed and what funds it has or could raise to finance such schemes, and after thus reviewing its position should with due deliberation vote funds for the different services for which it is responsible. Too many committees regard the passing of the budget as a matter of mereroutine in respect of which there is no choice but to accept what is placed before them by the Secretary or President. In fact the passing of the budget should be regarded as the most important duty of the year and as affording the best occasion for discussion of

<sup>\*</sup>Note,—With regard to investments vide also Part I, note to section 55.

rival policies of municipal administration. If ever parties are to be formed on other than communal lines it must be with reference to such general questions as low taxation versus efficient service, laisses faire versus control of individuals for the public good, encouragement of private initiative versus extension of municipal services, etc., etc.; and the passing of the annual budget should afford the grand occasion for the champions of rival policies to come to grips.

The necessity of drafting rules in precise and formal language must inevitably make it somewhat General principles (f difficult for those who are unaccustomed to the budget procedure. such matters to understand an Account Code. but translated into ordinary language the provisions with regard to budgetting in the Municipal Account Code, 1930, are simplicity itself In effect they provide that on the income side of the budget nothing shall be entered unless there is reasonable certainty of its being obtained: no unsanctioned tax or loan, no grant which has not been promised and no receipt from a sale of land not actually effected may be entered, while the estimated receipts from existing sources of income must be such as are reasonable having consideration to past receipts from such sources. On the expenditure side must be entered in the first instance only charges for existing ascertained commitments, and if there is any surplus after providing for them it must be left to the committee to decide to what purposes it shall be devoted. If there is no surplus but schemes have been proposed for which the committee considers funds should be provided, provision for expenditure on such schemes must find no place in the budget, but the committee must take such steps as may be necessary to obtain funds by increased taxation, or by raising a loan or applying for a grantin-aid. When funds have been thus obtained sanction can be obtained for revision of the estimate of income under the appropriate head and corresponding supplementary grants for the necessary expenditure can then be voted.

The purpose of the rule that receipts from unsanctioned taxes, loans, grants, etc., should not be budget-Duty of the committee ted for is to prevent expenditure in the early to watch the progress of part of the year against receipts which may income and expenditure. not materialize. Were such expenditure permitted the result might be that later in the year no funds would be available for meeting ordinary obligations. This result may however also occur if the estimate of receipts from existing resources has been too high, and it is an important duty of committees carefully to watch the progress of income and expenditure as revealed in the Monthly Accounts which under rule III 6 of the Code have to be laid before the committee every month. If these accounts show that income is not coming up to expectations it is the duty of the committee at once to curtail non-recurring expenditure which can be postponed or to take immediate steps to increase its income in order to finance the expenditure which has been budgetted for. In this connection the committee should insist on strict compliance with the provisions of the Code which require the submission of periodical returns showing the progress of collection of taxes, rents and other dues (vide rules VII-14 and XI-4 (2) of the Municipal Account Code, 1930); and if it appears that collections are not being properly made and that arrears are mounting up, steps should be taken at once to stir the collecting staff to greater rigour or to recover arrears by such legal remedies as may be available. If a falling-off in the income from octroi or terminal tax is revealed by the accounts, enquiries should at once be made as to the cause, and if it cannot be accounted for by trade conditions, members should endeavour to discover by frequent and strict inspections of the barriers whether any unlawful leakage of income is occuring.

## CHAPTER IV.

#### CONTROL OVER BUILDINGS AND STREETS.

# SECTION 1.—Powers with regard to existing buildings.

The Act confers upon municipal committees powers both in respect of existing buildings and in respect Sections 113, 114 and of the construction of new buildings. 116. sections under which a committee can deal with existing buildings are sections 113, 114, 116 and 175. Sections 113 and 114, in so far as they relate to buildings, differ in two important respects. Under section 113 a committee is empowered to issue a notice to the owner or occupier of any building which for want of sufficient repair is dangerous to the person dwelling or working therein or to persons passing by; requiring such owner or occupier to repair, protect or enclose the same. Under section 114, however, a committee may require the owner, but not the occupier, either to remove a building which is in a ruinous state or in any way dangerous or to cause such repairs to be made to it as the committee may consider necessary for the public safety. It has been held—vide No. 18 Punjab Record 1908 Criminal and No. 9 Punjab Record 1916 Criminal—that in a notice issued under section 114 the option must be given of repairing or of removing the building and that the notice must also specify the portion of the building which in the opinion of the committee is dangerous and the nature of the repairs required to be made. Moreover in accordance with the ruling contained in No. 1, Punjab Record 1906 Criminal, relating to the legality of a notice issued under section 94 of the Cantonment Code, 1899, the provisions of which at the time when the judgment was delivered were practically identical with the provisions of section 114 of the Punjab Municipal Act, 1911, only such repairs can be required as are necessary for the public safetv. The somewhat anomalous position, therefore, exists that while under section 113 a committee may issue a notice requiring the owner or occupier to repair a building which for want of repair is dangerous to passers-by, an expression practically synonymous with the public, and in such notice need not specify the repairs required, under section 114 the building may be dangerous in any way but the notice may require only repairs necessary for the public safety. In the case of buildings, therefore, a committee should issue notices under section 114 only in respect of buildings which appear likely to fall on to a street or are otherwise dangerous to the public, and should take action under section 113 in the case of buildings in a condition dangerous to persons dwelling or working therein. In many cases a building may be in such ruinous condition that it is not worth while repairing it: a committee has, however, no power to require its removal absolutely and can only exert pressure on the owner to re-build by condemning the building as unfit for human habitation under section 116. Section 116 should also be used freely in cases where from want of proper drainage, ventilation, etc., it is desirable to compel re-building, which will be governed by the bye-laws regulating the erection and re-erection of buildings.

It should be noted that when buildings are in so ruinons a condition that immediate steps are required to avert danger, both section 113 and section 114 lay it down as a duty of the committee to take such steps as are necessary, and any person who suffered from a committee's neglect to take such steps, could presumably sue it for damages. It should also be noted that under section 222 as amended by the Amending Act of 1923 committees may recover the cost of any work executed by them under these sections.

- A committee also possesses the power under section 175 to require on payment of compensation the Section 175. removal of balconies, verandahs, and other structures which project over any street. This power may profitably be exercised in the case of the narrow lanes almost roofed by balconies projecting from either side which are so common in many towns in this province. The removal of such obstructions of air and light should not involve heavy charges for compensation if account is taken of the improvement thus effected in the sanitary condition of the houses abutting on the lanes in question including the houses from which the projections are removed. It is presumed that all unauthorized projections of this nature constructed after the passing of the Act will be dealt with under sections 172 and 173 under which the committee may require the removal of the projections and may prosecute the offender.
- Ontrol over sarais and lodging-houses. The powers conferred by this section are very wide: a committee may by bye-law "fix, and from time to time vary, the number of persons who may occupy a building or part of a building, which is let in lodgings or occupied by members of more than one family, or which is situated within such congested bazar areas as may be specified in the bye-laws; and provide—
  - (i) for the registration and inspection of such buildings,
  - (ii) for promoting cleanliness and ventilation in such buildings,
  - (iii) for the notices to be given and the precautions to be taken in the case of any infectious or contagious disease breaking out in such buildings,
  - (iv) in the case of hotel, sarai and lodging-house keepers and the secretaries of residential clubs, for the maintenance of registers in such form as the committee may prescribe, of visitors and lodgers, and

- (v) generally for the proper regulation of such buildings."
- Model bye-iaws for regulation of sarais, lodging-houses, etc.

  Model bye-iaws for regulation of sarais, lodging-houses, etc.

  Model bye-iaws for for the regulation of hotels, sarais and lodging-houses have been approved by the Punjab Government, but no model bye-laws have been framed and no bye-laws have been adopted in any municipality to deal with buildings generally in congested bazar areas, and the fact that this section confirms powers to deal with such buildings as well as with lodging-houses and sarais should not be lost sight of.

Model bye-laws for the Registration and Regulation of Hotels, Sarais and Lodging-houses under sections 188 (d) and 199 (1) of the Punjab Municipal Act, 1911.

- 1. Every person who keeps an hotel, sarai or lodging-house shall register it at the municipal office.
- 2. Every such person shall, if so required by written notice from the Medical Officer of Health, make such alterations to his hotel, sarai or lodging-house, as will ensure that—
  - (a) the minimum height of every room intended to accommodate lodgers shall be not less than 10 feet;
  - (b) the minimum superficial-floor area of every such room shall be not less than 100 square feet;
  - (c) ventilation shall be provided for every such room by means of windows, gratings or other openings exclusive of doors, having a combined area equal to not less than one-tenth of the floor-area of the room:

Provided that nothing in this bye-law shall be considered in any way to waive the requirements of any by-laws for the regulation of buildings in general which may from time to time be in force in the municipality.

- 3. Every person who keeps an hotel, sarai or lodging-house shall provide it with a sufficient and good supply of drinking water, and if there is a well in his hotel, sarai or lodging-house or in the precincts thereof shall protect such well against pollution in such manner as the Medical Officer of Health may direct, and every year in October and more often if so required by the Medical Officer of Health, shall cause such well to be cleaned to the satisfaction of the Medical Officer of Health.
- 4. Every such person shall keep his hotel, sarai or lodging-house clean in good repair and shall employ such staff for conservancy as the Medical Officer of Health may direct, and shall at least twice a year and more often if so required by the Medical Officer of Health

cause every room in his hotel, sarai or lodging-house to be limewashed, and generally shall comply with every reasonable order of the Medical Officer of Health for the purpose of promoting the sanitation and cleanliness of his hotel, sarai or lodging-house.

- 5. (a) The Medical Officer of Health may fix the number of persons who may occupy any room in an hotel, sarai or lodging-house, and no person who keeps such hotel, sarai or lodging-house shall suffer more than the number of persons so fixed to occupy such room.
- (b) If the number of persons who may occupy any room has been fixed under clause (a) of this bye-law, such number shall be painted over the dcor of such room, and failure on the part of any keeper of an hotel, sarai or lodging-house to cause such number to be so painted shall constitute a breach of this bye-law.
- 6. (a) Every person who keeps an hotel, sarai or lodging-house shall as soon as it comes to his notice immediately report to the Medical Officer of Health the occurrence in his hostel, sarai or lodging-house of any disease defined or notified by the Local Government as an infectious disease under section 3 (7) of the Punjab Municipal Act, 1911, and shall take measures to keep any person suffering from such disease isolated from all other lodgers.
- (b) No person who keeps an hotel, sarai or lodging-house shall suffer such hotel, sarai or lodging-house or any part of it to be occupied if he knows or has good reason to believe that it has been occupied by a person suffering from any such disease, until such hotel, sarai or lodging-house or part of it and every article therein likely to contain infection have been disinfected to the satisfaction of the Medical Officer of Health.
- 7. Every person who keeps an hotel, sarai or lodging-house shall, if so required by the Medical Officer of Health, keep a register in the form prescribed by the committee in which he shall record immediately on the arrival or departure of any person who lodges in his hotel, sarai or lodging-house the following particulars:—

#### (i) on arrival—

- (a) the name, father's name or, in the case of a married woman, husband's name of every such person;
- (b) the caste and occupation of such person;
- (c) the date of arrival of such person;
- (d) the place from which such person arrived;

#### (ii) on departure—

- (a) the date of departure of such person;
- (b) the place to which such person proceeded on departure.

- 8. Any person who commits a breach of any of these byelaws shall on conviction by a Magistrate be punishable with fine which may extend to Rs. 50, and if the breach is a continuing breach with a further fine which may amount to Rs. 5 for every day after the first during which the breach continues.
- 98. The following statement shows the municipalities in which bye-laws with regard to sarais and lodging-houses are in force. In most cases the bye-laws are of the crudest description, and only four committees have adopted the model

bye-laws approved by Government, though the attention of all municipal Medical Officers of Health was drawn to the importance of the matter with particular reference to the prevention of enteric fever in a Circular letter No. 18483-91, dated 29th October, 1927, issued by the Director of Public Health.

Municipality.		Notification.
mumerpaney.		rvouncauton.
D II beenh		No. 406 dated 1945 Time 1800
Ballabgarh	• • •	No. 406, dated 13th June, 1890. No. 406, dated 13th June, 1890.
Bhiwani	•	No. 406, dated 13th June, 1890.
Buriya		
Dalhousie	•••	No. 695, dated 14th October, 1913; No. 33167,
		dated 6th November, 1931.
Dharmsala	• • •	No. 809, dated 25th November, 1886.
Faridabad	• • •	No. 406, dated 13th June, 1890.
Hansi	• • •	No. 406, dated 13th June, 1890.
Hissar	••	No. 406, dated 13th June, 1890.
Jullundur	• • •	No. 19564, dated 5th September, 1919; No.
		25512, dated 10th October, 1933.
Kasur	•••	No. 29815, dated 6th October, 1931.
Lahore		No. 6937, dated 12th March, 1919.
Ludhiana		No. 30610, dated 14th October 1931.
Murree	• •	No. 456, dated 13th September, 1902.
$\operatorname{Rohtak}$	••	No. 29506, dated 19th October, 1928.
Sadhaura	• • •	No. 406, dated 13th June, 1890.
Shahabad		No. 406, dated 13th June, 1890.
Sialkot		No. 35683, dated 4th October, 1928.
Simla		No. 778, dated 13th November, 1886; No.
생물하다 내고 하는데 그렇게		492, dated 26th September, 1894; No. 878,
됐죠! 그리고 하다.		dated 10th December, 1909.
Sirsa		No. 406, dated 13th June, 1890.
Sonepat		No. 406, dated 13th June, 1890.
Thanesar		No. 406, dated 13th June, 1890.
		왕이 맞닿다. 이 그는 사람은 경에 무섭하다면 하나요? 나는 사람이 아이를 하는 것이다.

## SECTION 2.—Powers with regard to the construction of new buildings.

99. to regulate the erection and re-erection of The power buildings conferred by sections 189 to 196 of Power over new buildthe Act is one of the most important powers ings not fully exercised. entrusted to municipal committees, but so far there is hardly a committee in the Punjab except in the hill municipalities which has had the courage really to exercise its power with a view to improve conditions in the town for the welfare of which it is responsible. For this there are many reasons, among which may be mentioned the ignorance and apathy of the general public with regard to sanitary improvements, the fact that most members of committees are themselves house-owners, and to a certain extent the over-ambitious ideas of sanitary experts and enthusiasts, who seek to thrust upon Indian communities ideas about town-planning and house building which were evolved in Europe and are not wholly suitable to Indian conditions. No up-to-date model bye-laws have yet been approved by the Punjab Government to assist committees to deal with the subject of control of buildings, and no rules have been framed with regard to the procedure which should be adopted in disposing of building applications. The bye-Existng building bye-

laws in force in most municipalities, of which laws. the notifications are given in the following

table, are so simple as to be practically useless :-

Municipality	Notification.
Bhakkar Bhera Bhiwani Buriya	<ul> <li>No. 20234, dated 1st August, 1933; No. 4951, dated 13th February, 1934.</li> <li>No. 23, dated 6th January, 1891.</li> <li>No. 34985, dated 20th November, 1931; No. 28697, dated 9th November, 1933.</li> <li>No. 16567, dated 30th May, 1922; No. 26687, dated 15th September, 1930.</li> <li>No. 371, dated 2nd August, 1899; No. 417, dated 25th August, 1899.</li> <li>No. 406, dated 13th June, 1890.</li> <li>No. 809, dated 1st October, 1890.</li> <li>No. 371, dated 2nd August, 1899; No. 417, dated 25th August, 1899.</li> <li>No. 598, dated 1st October, 1890.</li> <li>No. 598, dated 15th December, 1892.</li> <li>No. 679, dated 22nd August, 1890.</li> <li>No. 406, dated 13th June, 1890.</li> <li>No. 406, dated 13th June, 1890.</li> <li>No. 406, dated 13th June, 1890.</li> <li>No. 14244, dated 28th April, 1922; No. 6795, dated 7th March, 1933.</li> </ul>

Municipality.	Notification.
Chiniot	No 500 1-4-1041 D
Dajal	NT 100 1 1 100 135 1 1000
Dalhousie .	NT. 05 104 1 1 2 05 1 37 1 4004 37
	11744, dated 21st April, 1933.
Dera Baba Nanak	No. 450, dated 27th September, 1893.
Dera Ghazi Khan	
Dharmsala	No. 12693, dated 27th April, 1933.
Dinanagar	No. 194, dated 23rd April, 1896.
Dinga ··	
Eminabad	120, datod 2201 o dily, 100.
Faridabad	100, dated 10th Pane 1000.
Fazilka ···	-10. 50L, dated 10th October, 1000.
Ferozepore	0. 520, dated 20 iii 0 000 bei, 1905.
Firozpur-Jhirka · · ·	No. 705, dated 10th August, 1891.
Gohana ·	No. 371, dated 2nd August, 1899; No. 417, dated 25th August, 1899.
Gojra	
Gujranwala	
Gujrat	
Gurdaspur	
	30927, dated 24th September, 1932.
Hansi	
Hazro	
Hissar	No. 406, dated 13th June, 1890.
Hodal	
Hoshiarpur	No. 636, dated 20th July, 1891.
Isa Khel	
Jagadhri	No. 10477, dated 26th March, 1930; No.
	4157, dated 5th February, 1934.
Jagraon	P.G. Gazette, Part III, dated 26th January,
Tillania Tilli	1888, p. 70. No. 397, dated 5th August, 1905.
Jalalpur Jattan	No. 19900 datad 19th Trales 1007
Jampur Jandiala	내내가 하는 사람이 되었다. 그는 사람들은 그림으로 그 학생들 전략이 있는 것 같아. 그렇게 그렇게
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청화화회사 그 그는 그 살이 없다.	dated 25th August 1899.
Jhang-Maghiana	No. 138, dated 22nd March 1902.
$egin{array}{cccccccccccccccccccccccccccccccccccc$	No. 24933, dated 4th September, 1926; No.
	10177, dated 18th March, 1929, No. 25780,
	dated 15th August, 1931, No. 13516, dated
(2) 1990년 1일 1994년 1일 - 1일	8th May, 1933.  No. 2876, dated 22nd January, 1929.
Jullundur	No. 195, dated 17th March 1906; No. 367,
Kaithal	dated 20th July 1912.

Municipality.		Notification.			
Kalabagh Kamalia Karnal Karor Kartarpur Kasur Khanewal  Khangarh Khem Karan Khushab  Kunjah Lahore		No. 603, dated 16th December, 1893. No. 385, dated 1st August 1902. No 28238, dated 4th November, 1933. No. 598, dated 15th December, 1892. No. 667, dated 27th September, 1907. No. 594, dated 1st November, 1894. No. 22767, dated 22nd September, 1923; No. 22790, dated 31st October, 1933. No. 23, dated 6th January, 1891. No. 569, dated 24th December, 1895. No. 679, dated 22nd August, 1890; No. 31565, dated 5th December, 1933. No. 397, dated 5th August, 1905			
Lanore	• • •	No. 11072, dated 2nd May, 1917; No. 2325, dated 14th December, 1917; No. 18653, dated 18th August, 1919; No. 21817, dated 9th September, 1920; No. 10607, dated 4th April 1927.			
Leiah		No. 598, dated 15th December, 1892.			
Ludhiana	•••	No. 78, dated 9th February, 1904; No. 16795, dated 14th June, 1933.			
Lyallpur	•••	No. 611, dated 26th August, 1913; No. 21593 dated 14th May, 1932.			
Miani	• • • •	No. 679, dated 22nd August, 1890			
Mianwali	•••	No. 555, dated 21st June, 1904			
Mithankot	•••	No. 136, dated 22nd March, 1902			
Moga .	•••	No. 20093, dated 2nd December 1919			
Montgomery Muktsar	• • • •	No. 051, dated 23rd September, 1916			
	•••	No. 572, dated 30th August, 1910; No. 15188, dated 6th June, 1919; No. 25218, dated 6th August, 1929.			
Multan Murree	•••	No. 2, dated 5th January, 1909.			
Muzaffargarh		No. 369, dated 6th July, 1904; No. 29935, dated 7th October, 1931.  No. 19235, dated 4th November, 1918; No. 18733 dated 2nd 11 household 2nd 2nd 2nd 2nd 2nd 2nd 2nd 2nd 2nd 2n			
Nobodon		10100, dated ord July, 1999			
Nakodar Narowal		No. 667, dated 27th September, 1907.			
Nurmahal		장마이 많은 아이가 되는 것 같아. 그는 사이 가지에 되는 그는 말이 되었다.			
Pakpattan		No. 667, dated 27th September, 1907.			
Palwal		No. 385, dated 1st August, 1902.			
Panipat		No. 705, dated 10th August, 1891.			
		No. 118, dated 17th February, 1909; No. 83, dated 29th January, 1913.			
Pasrur	•••	No. 23, dated 16th January, 1894; No. 8780, dated 21st March, 1927.			

Municipality.		Notification
Pathankot		No. 164, dated 9th April, 1912.
Patti		No. 36994, dated 14th December, 1928; No. 31719, dated 6th December, 1933.
Phillaur		No. 667, dated 27th September, 1907.
Pind Dadan Khan		No. 1176, dated 21st April, 1933
Pindigheb		No. 29471, dated 5th September, 1932;
		No. 31449, dated 16th October, 1929.
Raekot	• • •	P. G. Gazette, Part III, dated 26th January, 1888, p. 70.
Rahon		No. 667, dated 27th September, 1907.
Rajanpur		No. 136, dated 22nd March, 1902.
Rawalpindi		No. 27420, dated 4th August, 1932.
Rewari		No. 705, dated 10th August, 1891.
Rohtak		No. 371, dated 2nd August 1899; No. 417,
		dated 25th August, 1899.
Rupar		No. 157, dated 4th April, 1892.
Sadhaura		No. 406, dated 13th June, 1890.
Sahiwal		No. 679, dated 22nd August, 1890; No. 1477,
		dated 18th January, 1927.
Sargodha		No. 33474, dated 19th November, 1928; No.
		2217, dated 20th January, 1931; No. 33474,
		dated 19th November, 1929; No. 2217, dated
		20th January 1931; No. 7045, dated 2nd
		March, 1934.
Shahabad	• • •	No. 198, dated 9th March, 1909.
Sharakpur	••••	No. 569, dated 24th December, 1835.
Shujabad	•••	No. 279, dated 13th July, 1895.
Sialkot	••••	No. 2419, dated 24th January, 1921.
Simla	•••	No. 120, dated 20th March, 1893; No. 528,
		dated 8th November, 1901; No. 8567, dated
		10th April, 1917.
Sirsa	•••	No. 406, dated 13th June, 1890.
Sonepat	•••	No. 406, dated 13th June, 1890.
Thanesar	•••	No. 741, dated 8th October, 1909.
Urmar-Tanda	•••	No. 44, dated 30th January, 1901.
Wazirabad	•••	No. 420, dated 11th July, 1907.
Zira	•••	

Building bye-laws not applicable to Government buildings. In ment buildings.

Building bye-laws not applicable to Government buildings. In respect of such buildings a committee is entitled only to receive notice of the proposed erection and to make any objection or suggestion with regard to such erection

as it may think fit to the Local Government, whose orders are final (vide the Government Buildings Act, 1899, Appendix M.)

101. In 1918 the Punjab Sanitary Board (now known as the

Urban Sanitary Boards bye-laws re projections and tharras over drains, Punjab Urban Sanitary Board passed a resolution (vide item 6 of the proceedings of a meeting of the Board held on 5th November 1918) that in future it would make it a condition of every

grant for a drainage scheme in a municipal area that the committee concerned should adopt rules or executive instructions on certain prescribed lines. In 1922 a revised note for the guidance of committees in dealing with applications to encroach on a street under sections 172 and 173 of the Act was drawn up, approved by the Sanitary Board and circulated for the information of local bodies with P. G. letter No. 3129 (Home—Medical and Sanitary), dated 30th January 1922. In 1927 a further revision was made, and the following model byelaws were recommended to local bodies for adoption in P. G. letter No. 19232 (L. S. G.—Comts.), dated 18th July 1927.

## Model Bye-laws Regulating Projections over Streets.

- 1. Every person intending to erect or re-erect any immovable encroachment upon the ground level of any street or over or on any sewer, drain or watercourse, or to erect or re-erect any immovable overhanging structure projecting into a street at a point above the said ground level shall give notice of such intention in writing to the secretary of the committee in Form A appended, and shall at the same time submit in duplicate on tracing cloth—
  - (a) a site plan showing the boundaries of the building concerned, the precise situation of the building concerned in relation to the streets adjoining the building and to the adjoining building or land, and the width of the adjoining streets for a distance of not less than one hundred feet on either side of the building concerned;
  - (b) detailed dimensioned drawings of the proposed structures showing in section the street, the floor level of the building, and the drains, if any;
  - (c) a specification describing the proposed structure in detail.

[¹Provided that in the case of an encroachment or structure proposed to be constructed on a site adjacent to a public street under the control or mangement of the Public Works Department of Government or of another local authority the applicant shall submit the plans and specifications referred to above in triplicate and one complete set of the plans shall be forwarded by the committee immediately on presentation to the Executive Engineer or to the other local body concerned for information.]

<sup>1.</sup> Added by P. G. letter No. 25615 (L.S.G.—Comts.), dated 9th August, 1929, in order that the Executive Engineer or engineer of the local body concerned may have the plans scrutinized with reference to his boundary and may move the committee to reject the application if the proposed building appears to involve an encroachment.

- 2. (1) The site plan shall be drawn to a scale of not less than one-eighth of an inch to the foot and the scale used shall be marked on the plan, and the position of the north point shall be marked.
- (2) The detailed drawings shall be drawn to a scale of not less than one-fourth of an inch to the foot, and the scale used shall be marked on the plan.
- (3) All plans shall be signed by the applicant and shall show all details necessary to enable the committee or its executive officers to judge as to the suitability of the proposals and the names of the owners of adjoining buildings or lands, together with the lane (kucha) and house members, if any, shall be given, and all proposed work shall be indicated by distinctive colours to show the materials proposed to be used and a key to the colours used shall be displayed on the plans.
  - 3. In the case of a proposed projection at ground floor level—
  - (a) subject to the provisions of clause (f) of this bye-law the projection shall be supported entirely by the building which it is attached shall not extend more than two feet from the face of such building;
  - (b) no projection shall extend beyond the roadside edge of any drain below the projection;
  - (c) the vertical distance from the underside of the projection and the road surface at the outer edge of such drain shall not be less than one foot;
  - (d) no projection shall be permitted unless the clear space between any portion thereof and centre line of the street will when it is constructed be not less than six feet in streets which have been classed by the committee as residential streets or eight feet in other streets;
  - (e) where access is not required for wheeled vehicles and the height of the ground floor of the building is less than one foot above the road at the roadside edge of the drain any steps required shall be constructed within the building, and no projection shall be permitted;
  - (f) if the ground level of a house is more that one foot above the level of the road at the roadside edge of the drain access can be arranged by means of steps supported: cantilevers, provided they comply with the provisions of clauses (a), (b), (c) and (d) of this bye-law, but in such case—
    - (i) the steps shall not extend laterally beyond the outer edges of the door-way;

- (ii) the steps shall be of wood, stone, or cement concrete, not less than two inches thick; and
- (iii) notwithstanding anything contained in clause (a) of this bye-law brackets may be placed under the steps to support them: provided that if more than one bracket is placed under one step the distance from the centre of anyone such bracket to the centre of the next bracket shall not be less than one and-a-half feet: provided further that no such bracket shall extend more than six inches below the underside of the step and shall not project beyond it.
- 4. (1) Where access from a street to private property is required for wheeled vehicles, or where the width of the waterway of the drain exceeds one foot a drain-crossing may be permitted: provided it is constructed so as not to interfere with the waterway of the drain, and the length of such crossing shall not exceed four feet, and unless the committee specially sanction it to be constructed otherwise shall be constructed so as to be removable and shall consist of a cast iron reticulated grating and the height from the bed of the drain to the underside of the crossing shall be at least nine inches or the full height of the drain whichever is greater.
- (2) If the courtyard level is above the road level any ramp required for the use of vehicles shall be constructed within the building, and shall not extend on to the street.
- 5. (1) No balcony or similar overhanging structure of any kind shall be constructed so as to project over a street to a distance which will render the clear space between any portion of such balcony or structure and the centre line of street less than six feet in the case of streets which have been classed by the committee as residential streets or eight feet in the case of other streets.
- (2) The overall projection of a balcony or like structure from the face of the building shall not in any case exceed three feet.

## FORM A.

(All entries on this side to be filled in by the applicant.)

From					
				The state of the s	
Го					
		SECRET		<i>a</i>	
			Municipal	Committe	' <b>e.</b>
	ov give notice to giv	erec	t in the second	3 of the Pu	njab Muni-
	immovable	re-ere	ect		
(i) an-	movable en	croachmen	<b>t</b> ;		
(i) an-	immovable ———ov movable	erhanging	structure	as specif	ied below,
점, 강에 가는 사람이다.	e Committee's		I attach t	he plans in	ı duplicate
	(Sigr	nature)			
	Date	d			
Specific	ation :				

## FORM A.

	Serial No. of application
	Name of applicant
	Site of building (name of street, quarter, etc.)
	Abstract of appplication
	Received by Secretary on
	(Signature of Secretary)
to the	Date by which orders of the Committee must be communicated applicant
	Forwarded to for report on
	(Signature of Secretary)
	Returned to Secretary on
	$(Signature)\_\_\_$
	Submitted to
	(Signature of Secretary)

(Signature of Secretary)\_\_\_\_

Municipalities in which bye-laws to regulate projections are in force.

noted below:

302. Bye-laws in accordance with one or other of the models referred to in the preceding paragraph are in force in the municipalities

Municipality.		Notification.
Abohar	• • •	No. 21059, dated 14th July, 1928; No. 25417, dated 4th September, 1927; No. 209, dated 5th January, 1933.
Ambala City		No. 24115, dated 8th November, 1919.
Baghbanpura-cum-		
Bhogiwal		No. 30477, dated 13th October, 1931.
Batala	•••	No. 24505, dated 22nd August, 1928; No. 20057, dated 23rd June, 1930.
Bhiwani		No. 27307, dated 8th December, 1919.
Chunian		No. 457, dated 5th January, 1929; No. 19962, dated 21st June, 1930.
Dalhousie		No. 1867, dated 21st January, 1919.
Dera Baba Nanak	•••	No. 26696, dated 18th September, 1928; No.
		20064, dated 23rd June, 1930.
Dinanagar		No. 3051, dated 25th January, 1928; No. 16606
		7526, dated 4th March, 1930; No. 16696, dated 13th June, 1933.
Dinga	• • • •	No. 18074, dated 1st July, 1933.
Dharmsala		No. 34056, dated 27th October, 1932
Fazilka	•••	No. 246, dated 3rd January, 1934.
Ferozepore	•••	No. 22964, dated 4th August, 1928; No. 33338, dated 22nd October, 1932.
Gojra		No. 16338, dated 12th May, 1928.
Gujrat	•••	No. 16793, dated 5th June, 1923; No. 28544, dated 19th September, 1931; No. 21344, dated 14th September, 1933.
Gurdaspur		No. 21535, dated 14th October, 1919; No.
		32567, dated 12th December, 1933.
Hoshiarpur		No. 25415, dated 4th September, 1928; No. 7592, dated 7th March, 1931; No. 11942, dated 10th April, 1934.
Jagadhri	•••	No. 25413, dated 4th September, 1928; No. 41512, dated 23rd December, 1929; No.
		36125, dated 15th November, 1932.
Jagraon	•••	No. 12362, dated 9th April, 1928; 23396, dated 13th September, 1933.
Jalalpur Jattan	•••	No. 5430, dated 11th February, 1929; No. 20732, dated 1st July, 1930.
${f J}$ helum	•••	No. 5293, dated 12th February, 1930; No. 13517, dated 8th May, 1933.
Jampur		No. 17035, dated 22nd May, 1928.

Municipality.		Notification.			
Jullundur	•••	No. 2876, dated 22nd January, 1929.			
Kaithal		No. 19160, dated 17th July, 1933.			
Karnal	••	No. 31449, dated 16th October, 1929; No. 29471, dated 9th June, 1933; No. 16437, dated 9th June, 1933.			
Khem Karan		No. 4910, dated 14th February, 1921.			
Khushab	•	No. 38001, dated 19th December, 1930.			
Kunjah		No. 9352, dated 12th March, 1929.			
Ludhiana		No. 35271, dated 6th November, 1929; No. 3258, dated 4th February, 1933.			
Mian Channu		No. 17346, dated 21st June, 1933.			
Moga	•••	No. 25346, dated 28th August, 1930; No.			
		37403, dated 28th November, 1932.			
Montgomery	•••	No. 21131, dated 7th July, 1930.			
Muktsar	•••	No. 22005, dated 20th May, 1932.			
Murree		No 33888, dated 22nd December, 1933.			
Palwal		No. 6091, dated 5th March, 1919.			
Panipat		No. 9911, dated 29th March, 1920.			
Pathankot		No. 30986, dated 30th November, 1927.			
Patti		No. 17310, dated 8th December, 1919.			
Pindigheb	• •	No. 27003, dated 26th August, 1929; No.			
<b></b>		15446, dated 29th May, 1933.			
Raikot	••	No. 34814, dated 26th November, 1928; No.			
		5236, dated 21st February, 1933.			
Rawalpindi	• • •	No. 26181, dated 19th November, 1920.			
Rewaii	•••	No. 1016, dated 10th January, 1924.			
Rohtak		No. 26688, dated 18th September, 928.			
Sadhaura	•••	No. 6709, dated 5th March, 1924; No. 8602, dated 20th March, 1924.			
Sargodha	• •	No. 26827, dated 19th September, 1928; No. 36518, dated 9th December, 1930; No. 7046, dated 2nd March, 1934.			
Sialkot	•••	No. 10508, dated 24th March, 1928; No. 20055, dated 23rd June, 1930.			
Wazirabad		No. 2878, dated 22nd January, 1929.			
Zira		No. 7560, dated 7th March, 1931.			

103. In Lala Hari Chand's The Punjab Municipal and Small Towns

Acts (page 19, note 13) it is contended that
these bye-laws so far as they prohibit the reerection of tharras and projections are ultra vires as under the law as
it exists at present no permission written or otherwise is necessary for
the re-erection of a tharra or projection. This view appears to be
based on the presumption that a tharra or projection is not part of a
house and consequently does not come within the meaning of a
"building" as defined in sub-section (2) of section 3 of the Act. No

judicial authority for this presumption is, however, quoted and the view appears to be open to question.

104. The following draft bye-laws under sections 188 (v),
Suggested model building bye-laws.

189 (3), 190 and 199 of the Act are suggested as suitable for Punjab towns. They are based on the bye-laws adopted by the Delhi Municipal

Committee :-

Suggested by e-laws to regulate the construction of buildings, under sections 188 (v), 189 (3) 190 2 and 199 (1) of the Punjab Municipal Act, 1911.

- 1. (1) Every person intending to erect or re-erect any building shall give notice of such intention in writing to the Secretary of the committee in the form A appended to these bye-laws, and shall at the same time submit:—
  - (a) a site plan of the land on which it is intended to erect or re-erect the building;
  - (b) a plan of the building which it is proposed to erect or reerect; and
  - (c) the specifications detailed in form B appended to these bye-laws.
- (2) Copies of forms A and B may be obtained free of charge at the municipal office.\*
- 2. The site plan must be drawn to a scale of not less than one-eighth of an inch to the foot, must be submitted in duplicate, and must show:—
  - (a) the direction of the north point;
  - (b) the boundaries of the site;
  - (c) the position of the site in relation to neighbouring streets and the level of the site in relation to the streets, if any, on which it abuts;
  - (d) the position of the proposed building in relation to (i) the boundaries of the site; and (ii) all buildings and premises within 50 feet of the boundaries of the site;
  - (e) the names, if any, and width of all streets on which the site abuts;
  - (f) the scale to which the plan is drawn.
  - 3. The building plan must be drawn to a scale of not less than

one-eighth of an inch to the foot, must be submitted in duplicate, and must show :-

- (a) the plan of the ground-floor and of every additional floor;
- (b) the position and dimensions of all projections beyond the. main walls of the building;
- (c) the position of all proposed drains, privies, latrines, urinals and cesspools;
- (d) the level and width of the foundations, and the level of the lowest floor with reference to the level of the centre of the street on which the front of the proposed building is to abut;
- (e) the scale to which the plan is drawn.
- If any person intends to erect or re-erect any building on a site adjacent to a public street under the control of the Public Works Department of Government or of another local authority, such person shall submit the plans required under the provisions of bye-laws 1, 2 and 3 in triplicate and one complete set of plans shall on receipt forthwith be forwarded by the Secretary to the Executive Engineer or local authority concerned for informatation.
- 5. The committee may require any person who has submitted an application to erect or re-erect any building to submit, in addition to the plans and specifications required by bye-law 1, elevations and sections of the proposed building, together with full specifications as to the materials and methods of construction to be used for external walls, party-walls, foundations, roofs, ceilings, floors, staircases, fireplaces and chimneys.1
- No building shall be roofed with straw or other easily inflammable material.2
- 7. No fire-place to be used as such shall be constructed unless the floor beneath it and around it for a width of three feet has been rendered fireproof by being covered with earthenware tiles or concrete or some other fireproof substance.
- 8. Every fire-place shall before use as such be provided with a chimney with an iron, brick or stone flue to afford free means of exit for smoke.

<sup>1.</sup> It is intended that action should be taken under this by-law in the case of large buildings where questions of structural stability are important.

2. The operation of this bye-law might be limited to congested portions of

the town and not extend to open suburbs.

3. The expression "fireplace to be used as such" was inserted in the Delhi bye-laws as it was represented that in many cases rooms in houses built in European style are provided with fire-places never used as such but constructed merely to complete the appearance of a room in European style.

- 9. No flue shall be so constructed as to pass through or be within one foot of any wall or structure made of inflammable material except at its point of exit, at which it must be rendered safe by a casing of uninflammable material at least one foot thick.
- 10. In no building shall any open sewer or drain pass through any room used or intended to be used as a living or sleeping room.
- 11. No drain shall be constructed within the thickness of any wall of any building.
- 12. All stack-pipes for the disposal of roof-drainage shall be of cast iron.
- 3. Masonry latrines and privies which are not water-borne shall be so constructed that all solids fall directly into a moveable receptacle of metal or pottery fitting close beneath the seat.
- 114. A drain shall be provided for every latrine, privy, urinal, bathroom and cooking-place, and such drain shall be constructed of glazed pipes, or other impervious material and shall connect the floor of the latrine, privy, urinal, bathroom or cooking-place with:—
  - (a) a municipal masonry, drain or
  - (b) a private cesspool constructed as hereinafter prescribed.
  - 15. The floor of every latrine, privy and urinal:
  - (a) shall be of masonry, or of tiles, or of cement,
  - (b) shall be in every part at a height of not less than three inches above the level of the surface of the ground adjoining the latrine, privy or urinal, and
  - (c) shall slope to the drain in such a way that liquid will flow off quickly.
- 16. In every urinal the walls to a height of three feet above the floor, and in every latrine and privy both the seat and the walls to a height of three feet above the floor, shall be of metal or masonry, provided that in the case of a water-closet of European type the seat may be of wood.

1. In P. G. letter No. 6084 (L. S. G. - Comts.), dated 17th February 1930, it was suggested that the following bye-law should be added to these by-laws:-

(2) No person shall dispose of the effluent from a septic tank by surface irri-

gation or by-sub-soil drainage or into open unlined cesspools.

<sup>&</sup>quot;(1) No person shall install water-flushed latrines in his house unless the house drains are connected with a municipal sewer or unless arrangements are made to purify the sewage in a properly constructed septic tank of a suitable size and to discharge the efficient into a municipal sewer or into a sullage drain certified by the Municipal Medical Officer of Health to be capable of carrying off the effluent without danger to the health of the public. Such installations shall be constructed under the supervision of a sanitury engineer and shall be approved by the Municipal Medical Officer of Health before they are taken into use.

- 17. Every latrine, privy, or urinal shall be provided with adequate ventilation which, in the case of a latrine, privy or urinal situated in or near a building, shall be effected by an opening not less than one foot square in area in one of the walls, as near the top of the wall as may be practicable, and communicating directly with the open air.
  - 18. Every latrine or privy shall be so constructed that—
  - (a) there shall be adequate access thereto for the purpose of cleansing;
  - (b) when the outer door thereof is open, the seats shall not be visible from the street or other public place.
- 19. No privy other than a water-closet of European type shall be placed on any upper floor of a building unless movable receptacles are provided.
  - 20. No person shall construct a private cesspool—
  - (a) unless there is no municipal drain within 100 feet of the premises for which it is required;
  - (b) except within the boundaries of private land;
  - (c) except a cesspool of masonry with a cast iron movable covering;
  - (d) unless adequate access is provided thereto for the purpose of cleansing it; and
  - (e) within 100 feet of any inhabited building.
- 21. No portion of any building in a street in which a line of frontage has been fixed by a resolution of the committee shall be built to project beyond such line of frontage.
- 22. No portion of any building abutting on any street to which from time to time the committee may, by resolution, declare this bye-law to apply\* shall be built within 20 feet of what was the centre of such street at the time of the passing of these bye-laws, and no portion of any building abutting on any other street shall be built within 10 feet of what was the centre of such street at the time of the passing of these bye-laws: provided that when the municipal committee has fixed a building line to regulate the frontage of buildings in any street, the municipal committee may permit a building to be constructed up to that line irrespective of the distance of any portion of it from the centre of the existing street.

<sup>\*</sup>The object of this bye-law is to secure the gradual widening of all the principal streets to 40 feet and of all other streets and lanes to 20 feet. This can be done without payment of compensation if the land left vacant between the front of the new building and the edge of the existing street is left in the possession of its owner and is not incorporated in the street. As funds permit the committee can acquire such vacant spaces in order to widen the actual street, but the object of providing more air and light for buildings can be obtained without this.

- 23. No dwelling-house of not more than two storeys including the ground-floor shall have an interior yard of a superficial area of less than 225 square feet, and no dwelling-house of more than two storeys including the ground-floor shall have an interior yard of a superficial area of less than 400 square feet.
- 24. (1) Every interior yard must be raised at least one foot above the level of the nearest street so as to admit of easy drainage into such street.
- (2) Every interior yard must be open to the sky throughout its entire area and must be kept accessible for the purpose of cleansing, and no structure except open fencing for protection against monkeys shall be erected within or above or so as to project over the yard.
- 25. No person shall construct any room to be used as a living or sleeping room with a superficial floor area of less than 144 square feet.\*
- 26. No person shall construct any room to be used as a living or sleeping room unless it is provided, for the purpose of light and ventilation, with one or more windows, doors or other apertures of a total area equal to not less than one-eighth of the floor area of such room, opening on to a space not less than six feet wide measured at right angles to the face of the wall in which such window, door or other aperture is placed and open to the sky throughout such width and for the length of such window, door or other aperture or opening on to a verandah opening on to such space; and every such door or window shall be so constructed that the whole of it can be opened.
- 27. No person shall construct any building of more than five storeys including the ground-floor and no person shall construct any building of more than two such storeys unless the outer walls of such building are made of brick, stone or re-inforced concrete.
- 28. (1) In the case of buildings of more than one storey including the ground-floor the height of each storey shall be not less than—

12 feet in the case of the ground-floor;

11 ditto	first storey;
10 ditto	second storey;
10 ditto	third storey;
10 ditto	fifth storey.

<sup>\*</sup>The Act does not specifically confer power to regulate the minimum size of rooms by bye-law, but a committee has power to refuse permission to erect buildings on any ground it may consider proper, and this bye-law merely serves to announce the committee's intention with regard to the size of rooms for the construction of which permission will be given. In face of this bye-law no committee would sanction the construction of a room of less than the prescribed minimum size, and if any one constructed such a room action should be taken not for the breach of this bye-law but for building contrary to sanction.

- (2) Any horizontal division of a building so constructed as to be capable of use as a living or sleeping room shall be considered to be a storey for the purpose of this bye-law and of bye-law 27 even hough such division does not extend over the whole depth or width of such building.
- (3) For the purpose of this bye-law the height of storey shall be reckoned as follows:—
  - (a) in the case of single-storeyed buildings and of the uppermost storey of buildings of more than one storey, from the level of the upper surface of the floor at any point along the walls within the building to the level of the under-side of the tie-beam, or if there is no tie-beam, to the meeting point of the outside walls and roof;
  - (b) in the case of any storey except the uppermost storey of buildings of more than one storey, from the level of the upper surface of the floor to the level of the upper side of the beams or joints on which the floor above rests, or, if the floor above is ceiled, to the level of the under side of the ceiling.
- No person shall construct any building abutting on any street-
  - (a) of a greater height than 12 feet if such street is less than eight feet wide;
  - b) of a greater height than 23 feet if such street is less than 20 feet wide :
  - (c of a greater height than 33 feet if such street is less than 30 feet wide;
  - (d) of a greater height than one and-a-half times the width of the street on any other street;

#### Provided that—

- (a) if a building is to be erected on a corner plot so as to abut on more than one street, the maximum height of such building shall be regulated by the width of the wider of such streets to the depth of 50 feet from such wider street and for the rest of its depth by the width of the narrower of such streets;
- (b) if a building is to be erected in a street opposite to the point where another street joins it, the maximum height of such building for a frontage equal to the width of such other street may be increased by half the width of such other street;

- (c) the municipal committee may permit chimneys, minarets of mosques, towers of churches, temples and similar structures to be erected to a height in excess of the maximum height otherwise permissible under this bye-law; and
- (d) the municipal committee may permit the erection on the rear half of a building of covers for roof-staircases, hot-weather sleeping rooms and sun shelters (mamtis, barsatis, saibans, etc., to a height in excess of the maximum height otherwise permissible.
- 30. (1) No person shall construct any building so that any part of any storey of a building above the ground-floor is more than 50 feet from some staircase leading to the ground or to the ground-floor.

(2) No person shall construct any staircase of a width of less than three feet or with steps having a rise of more than nine inches or a breadth of less than 10 inches measured from the vertical face of the rise.

and the same

(mariovs or continue)

(Initials of Secretary.)

# FORM A.

(Obverse to be filled in in the Municipal Office.)

Serial number of application —————
Name of applicant————
Site of building (name of street, quarter, etc.)
Abstract of application
Received by Secretary on(date)
(Initials of Secretary.)
Date by which orders of Committee  must be communicated to the applicant.  (To be filled in in red ink)
Forwarded tofor report on(date)
Forwarded to Municipal Engineer for report on $(date)$ Forwarded to Medical Officer of Health for report on $(date)$
(Initials of forwarding officer.)
Returned to Secretary on(date)
(Initials of forwarding officer.)
Submitted tosub-committee on(date)
(Initials of Secretary.)  Submitted to the committee on (date)
(Initials of Secretary.)
Abstract of order of the committee ———

(Reverse to be filled in by applicant.)

FROM

To

### THE SECRETARY,

I hereby give notice under section 189 (2) of the Punjab Municipal Act, 1911, that I intend to recent a building as specified in Form B attached, situated in (here insert street, ward, etc.). I attach—

- (a) the plans in duplicate required by the Committee's byelaws;
- (b) a specification of the proposed building.

Sign	ature	 	
Degree	200000		

Date \_\_\_\_\_

# FORM B.

Specification of Proposed Building.

1. able portion	In the case of the <u>re-erection</u> of an entire house or consider- on of a house—
(a)	in case of re-erection of a house, the house number, if any of the house to be re-erected———————————————————————————————————
(b)	the purpose for which it is intended to use the building
(c)	the materials to be used in construction of the walls
(d)	the number of storeys of which the building will consist
(e)	the position and dimensions of all doors, windows, and ventilation openings
( <b>f</b> )	the approximate number of inhabitants proposed to be accommodated—
(y)	the number of latrines to be provided———————————————————————————————————
(h)	whether the site has been built upon before or not: if so, the date when the previous building ceased to be fit for occupation—
2.	In the case of minor alterations or additions—
(a)	a description of the alteration or addition proposed
(6)	the material to be used for such alteration or addition

Signature-

Procedure for disposing of building applications.

105. Bye-laws on the lines suggested above will be of no practical value unless a committee lays down a definite procedure for dealing with applications to build. The sort of procedure which is recommended is indicated on the obverse of Form

A above. The first essential is that all applications should be dealt with expeditiously, as under the proviso to section 193 of the Act, unless a committee communicates its orders within two months of the receipt of a notice of intention to build, it is to be deemed to have sanctioned the proposed building absolutely. The date by which the orders of the committee must be communicated to the applicant should. therefore, be prominently before every officer or member of the committee who deals with the application. Form A, as suggested above, will afford a record of every stage of the proceedings connected with an application, and severe notice should be taken of any delays that occur.

106. Examination of the form of notice of intention to build.

When an application is received it should first be scrutinized with a view to seeing whether it complies with the requirements of the committee's bye-laws, and whether all the specification, etc., prescribed in those bye-laws.

are complete and in order. This duty should be assigned by the committee to some definite official who should report to the secretary, or it may be performed by the secretary himself. If the application is not in order it should be returned to the applicant for completion by the secretary, either on the order of the committee or of a subcommittee or of the president or a vice-president, or on his own responsibility, as each committee may decide, and no record of such application need be kept. If the application is in order the obverse of Form A should be filled in so far as is possible at this stage and the application should be entered in a register of building applications.

When this has been done some official to whom the duty has been assigned by the committee should Examination of the examine the application on its merits, verify notice on its merits, the particulars as to the site given in the application, report whether the proposed building will involve any encroachment on or over public land or land with regard to which the committee is in dispute with some private person (vide section 193. Explanation), whether the building is in conformity with the committee's bye-laws, and whether it will encroach upon any building line which has been fixed by the committee under section 174.

108. The application should then be forwarded to the Municipal Engineer for remarks as to the structural Examination by the stability of the proposed building and any other Municipal Engineer. technical points which he may wish to bring to the notice of the committee. The Municipal Engineer in his turn Examination by the Medical Officer of Health.

Submission to a Building sub-committee.

mittee which every

Submission to the general committee.

should forward the papers to the Medical Officer of Health, if there is one, for remarks as to the sufficiency of the proposed arrangements for lighting, ventilation, drainage, accomodation, etc., and the Medical Officer of Health after recovering his remarks should return the papers to the secretary, for submission to a sub-comcommittee should constitute to deal with building applications. The sub-committee should then record its recommendations and the case should be submitted to the general committee for orders.

109. Finally,

Communication of order to person intending to build.

when the committee has passed orders, they should be communicated to the applicant as soon as possible, and one copy of the plans and specifications should be returned to him with any modifications required by the committee shown

in them and authenticated by the secretary.

A definite period should be laid down by the committee for each stage of these proceedings so as to ensure that the application is disposed of within the two months allowed by the Act.

Individual members not to be employed, if possible, to report on

building applications.

It will be observed that the procedure suggested above does not contemplate the employment of individual members of a committee to report on buliding applications. This is indeed the practice in most municipalities of the Punjab and in the smaller municipalities which cannot

afford to pay for any considerable executive staff, it is to some extent inevitable. The system is, however, essentially wrong and has the worst consequences. Delays occur in the disposal of applications but no one can be punished, for a committee cannot fine or dismiss its own members. Moreover individual members are liable to be influenced by considerations alien to the public welfare, if the interests of themselves or their friends or relations are at stake, and recommendations for sanction of buildings, which should not be allowed, are often made in the hope of gaining a cheap popularity. A committee should employ its own paid officials to report on facts and its experts to advise it on technical matters, and should pass its orders as a committee in committee after consideration of the materials placed before it.

Power to stop unauthorized buildings and buildings is not pullimited to the disposal of applications for sanction to erect or re-erect a building and the judicious exercise of the powers conferred by

195-A. sections 195 and 195-A in respect of unauthorized buildings is a matter to which particular attention should be paid if the scandals which are too frequent in this connection are to be avoided. All attempts to force the hand of the committee by erecting

unauthorized costly buildings and then suing for mercy on the ground that heavy loss will be incurred if the building is demolished should be sternly discountenanced, and the power conferred by the new section 195-A should be freely used to prevent the inconvenience of being confronted by a fait accompli.

112. In the preceding paragraphs the control of buildings that may be exercised under the existing provisions

Defects in the existing law for the regulation of building and suggestions for its amendment.

may be exercised under the existing provisions of the law has been discussed and suggestions have been made as to the manner in which the power of control conferred by the Act may re however many defects in the existing law

best be used. There are, however, many defects in the existing law, and it may be of some service to point them out and suggest remedies. Reference has been made in paragraph 99 to the necessity of dealing with building applications expeditiously, a necessity imposed by the provisions of section 193 of the Act under which, unless a committee communicates its orders within two months of the receipt of a notice of intention to build, it is to be deemed to have sanctioned the proposed building absolutely. This is a most mischievous provision of the law. It may be admitted that without such a provision individuals would probably be put to the greatest inconvenience owing to the dilatoriness displayed by many committees in the disposal of business, but as things are the interests of the public suffer by the license enjoyed by many to erect buildings in contravention of the building bye-laws owing to the failure of committees to deal with their applications within the period allowed. However dilatory a committee may be, the law should not be such as to permit the erection of buildings in defiance of all considerations of public health, and if the prohibition of building without the sanction, actual or constructive, of the committee is to be maintained, it should at any rate be provided that there shall be no constructive sanction of buildings in contravention of the bye-laws. If, however, the law is to be amended to this extent there would appear to be no need to retain the requirement of previous sanction at all. It would be sufficient to require short notice of intention to build accompained by plans and specifications of the proposed building and then leave it to individuals to build at their own risk in contravention of the bye-laws. Such a system, which, it may be observed, is the system in force in England, assumes, however, the existence of adequate building bye-laws, an assumption which is not justified in the case of most municipalities in the Punjab, and if the law were to be amended as suggested it would be essential at the same time to take power for the Ministry of Local Self-Government to compel the adoption by committees of suitable bye-laws. Even then the proper regulation of baildings would not be assured, as it would still rest with committees to decide whether action should be taken against individuals who build in contravention of the bye-laws, and the present practice of many committees affords little hope that the bye-laws would be strictly enforced. The whole situation is very clearly described in paragraph 52 of Chapter VII of Part I of the Memorandum prepared by the Punjab Government for the use of the Indian Statutory Commission from which the following extract is

reproduced. "Perhaps the most serious failure of municipal committees has been in respect of the regulation of buildings. Act itself contains no substantive provisions the construction of buildings beyond prohibiting construction without sanction, and it is left to committees to decide whether they will regulate construction by bye-laws and, if so, on what principles. There are, however, not a dozen out of the 105 committees in existence which have made detailed bye-laws regulating such matters as the size and ventilation of rooms, heights of buildings with reference to the widths of streets, drainage of buildings, structural stability, etc., etc. Other committees merely require the submission of plans and deal with applications as the whim of the moment may dictate. and even the committees that possess bye-laws have no hesitation in sanctioning buildings in contravention of them or in allowing the provision of the law requiring sanction to be obtained for buildings to pass unheeded or the terms of their own sanction to be disregarded. The position is indeed so unsatisfactory and constitutes such an impediment in the way of improving the sanitary condition of the towns that the Ministry is now contemplating an amendment of the law to take power for Government to enforce the adoption of up to-date bye-laws and to compel their observance by means of a statutory authority having resort to the courts without the intervention of committees." The reference in the concluding sentence of this extract is presumably to some such functionary as the Building Surveyor in a municipal town in England whose statutory duty it is to see that the provisions of the law and of the municipal bye-laws with regard to the construction of buildings are enforced. He is authorized to report all breaches of the law or often bye-laws to the court and the court after the necessary enquiries may require such breaches to be remedied or in the last resort order the demolition of the offending building. Objections have been made to the introduction of this system in the Punjab on two main grounds, first that the people as a whole are too ignorant to be able to decide whether a proposed building is in conformity with the bye-laws or not and unless their plans are scrutinized and eventually passed by the municipal authorities they will be in constant trouble over buildings that contravene the bye-laws, and secondly that to give to such a functionary as a Building Surveyor the power of taking people to court or not would be to give him a dangerous weapon of extortion and great opportunities of illicit gain. Neither of these objections has any real substance. The first, at any rate, could very easily be overcome if the committees appointed draftsmen who would undertake for small fees to draw up plans for poor people who could not afford to pay regular architects or engineer-contractors. The second objection may have more force, but even if the Building Surveyors were corrupt it is doubtful whether the sum total of corruption would be greater than it is at present when many municipal officials and, it is often stated, even many members derive considerable profits from protecting individuals against the consequences of building without sanction or in contravention of the sanction given. Apart from this, if the proposed system were adopted, the present game in which owners, contractors, draftsmen and all combine to hoodwink committees and get plans sanctioned in contravention of bye-laws would lose most of its attraction, and would gradually be re-placed by the healthy co-operation of builders and contractors with the municipal authorities which obtains in English towns. At any rate it cannot be too strongly insisted that the incidence of disease and infant mortality in the towns of the Punjab will never be radically reduced so long as the present system of regulating buildings is allowed to continue.

### SECTION 3.—Control over Streets.

The purposes of streets. Of towns or as the means by which people are able to go from one part of a town to another. In India, however, they are able to go from commonly regarded as open spaces to be filled up by the upper portions of houses, as sites for the display of merchandise, as out of-doors, bed-rooms or sitting rooms or as grazing grounds for cattle. These unfortunate views as to theuses of streets result in their being quite incapable of fulfilling their real purposes, and municipal committees have been invested with various powers to enable them to check these abuses. Committees have also powers to regulate what may be called the legitimate use of streets. Before considering these various powers it is, however, necessary to examine the difference between "streets" and "public streets" as the powers of a committee are not the same in respect of both.

The distinction between "streets" and "public streets" was not made in the previous Punjab Muni-Distinction of "streets" cipal Act, 1891. The report of the Select and "public streets." Committee on the Bill to make better provision for the administration of municipalities in the Punjab, which subsequently became the existing Municipal Act, contains the following note. "Street.—Much of the criticism of the definition included in the Bill and of the clauses of the Bill which relate to streets has been met by the expedient borrowed from the Bombay District Municipalities Act of distinguishing in the definition between streets and public streets. In the clauses of the Bill which confer or imply a right of proprietorship vested in the committee the expression 'public street' is used." Very little use is, as a matter of fact, made of the distinction in the Act. Section 52 (2) (a) permits expenditure of municipal funds on public streets only: section 56(1)(g) vests public streets only in the committee. Under section 169 a committee is given power with regard to the closing or selling of the land forming public streets, and under section 188 (o) it may regulate the construction, etc. of boundary walls, etc., erected or re-erected so as to abut on a public street.\* For the rest all other powers in connec-

Note. The only municipalities in which bye-laws under section 188 (o) are in force are Lahore and Amritsar. The bye-laws in these municipalities were published in Notification No. 3615, dated 21st February 1917, and No. 3015, dated 13th February, 1917, respectively.

tion with streets are conferred in respect of all streets whether public or not public: even the power under section 171 to require the metalling, etc., of streets may be exercised in respect of public streets if they have not previously been metalled, etc., by the committee. It would, indeed, appear that after adding the distinction between "streets" and "public streets" contained in section 3 (13) (a) and (b) the select committee had forgotten to consider the effect of that distinction in many subsequent sections. It is for instance difficult to understand why the owner of an open space to which the public have access should have to obtain under section 173 (1) (a) the written permission of the committee before he can place a seat on his own ground. It may be noted that in section 170 it is doubtful whether street" or "public street" is intended. If the words "vested in it" qualify "street" as well as "land," the effect is to make "street" equivalent to "public street," as only public streets vest in the committee under section 56 (1) (q). If these words do not qualify "street" the owner of a private street will not only have to obtain written permission before he can deposit building materials on it, but he will also be liable to pay fees for such permission. Under section 171 (4) a committee, to which the section has been extended by the Local Government under sub-section (5), may declare any street to be a public street: provided that the owner or a majority of several owners of such street make no objection within a month after the committee's notifying its intention of declaring such street to be a public street.

Powers and penalties to prevent the abuse of streets.

115. The following statement exhibits the cases in which a committee has powers to prevent the abuse of streets or to render their use safe for members of the public or in which

the abuse of streets is directly penalized by the Act: -

Section.	Description.			
	Penalty for carrying a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public. Powers and penalties to keep the streets free			
111	from mad, dangerous and stray dogs.  Penalty for refusing to remove an elephant or camel to a safe distance on request on approach of a horse.			
112 :	Penalty for taking an elephant along a street contrary to the orders of a committee. Such orders would be passed with a view to preventing the blocking of narrow alleys or the frightening of horses to the danger of the public.			

Section	1.	Description.
	118	hedges bordering on any street or branches of trees overhanging any street, and obstructing it or causing danger. Such power would be exercised in cases where a hedge obstructs the view at a dangerous corner or where branches grow so low as to obstruct
	125 (3)	the way.  Power to require the removal or alteration
	1.20 (0)	of any door or trapdoor of a privy, latrine or urinal opening on to any street. Such power would be exercised to save the public using any street from unpleasant sights or
	129	smells.
	140	Penalty for discharging sewage, etc., on to a street without permission.  Power to require the provision of pipes to
	151	discharge rain water so as not to inconveni- ence persons passing along a street. Penalty for begging and exposing deformity or disease or an offensive sore or wound on a street.
	156	Penalty for throwing or depositing any offensive matter, rubbish, night-soil or carcase on any part of a public place or street or public sewer or drain or other drain communicating therewith without permission or in disregard of the order of a committee.
	157	Penalty for permitting nuisances to be committed upon a street by children and others.
	170-A	Power to require protection of streets during cutting down of trees, erection or demolition of buildings, etc.
	172	Powers and penalties with regard to the removal of immovable encroachments upon streets.
	173	Penalty for placing movable encroachments upon or movable over-hanging projections over a street, for depositing building materials, goods for sale or articles of merchandise on a street, for making any hole or excavation on, in or under a street and for erecting any fence, post, stall or scaffolding in a public street, without permission.
	182	Penalty for picketing animals or collecting carts on a street or using a street as a halt-

Section.

Description.

ing place for vehicles or animals or as a place of encampment or for permitting animals to stray.

Penalty for driving vehicles without lights on any street and for failing to observe the rule of the road.

116. In many of the cases mentioned above penalties are

Cases in which a committee may grant permission to use streets in a manner otherwise forbidden.

provided for doing certain acts without the permission of a committee. This implies that a committee may grant such permission and this is assumed in clause (u) of section 188 which empowers committees by bye-

regulate the conditions on which permission be given under section 173 (1) and to provide for the levy of fees and rent for such permission. In section 170 specific power is given to grant permission for the temporary occupation of a street for the purpose of depositing building materials and to charge fees for such permission. Cases in which permission to stack building materials on a street is requested are common, but the fact that conditions may be attached to the grant of such permission in order to safeguard the safety or convenience of passers-by is too often lost sight of, and it is not an uncommon experience to find a narrow street completely blocked by a pile of debris from a dismantled house or by stacks of bricks to be used in the erection of some building. Every permit to stack building materials should indicate the exact area on which the materials may be deposited, the area being carefully limited so as to ensure the free passage of ordinary traffic in the street in question, and it should be provided that earth, debris, etc., are to be confined with boards of corrugated iron sheets to prevent their spreading beyond the permitted area.

117. Other cases in which a committee should grant permission to do what is otherwise forbidden should cattle-pounds: bye-laws be much rarer. For instance, permission to under section 188 (r). picket or allow animals to stray in a street can hardly ever be desirable. On the contrary, committee should exercise much more freely than they usually do their power of prosecuting persons who allow animals to stray, and of providing by bye-law under section 188 (r) for the seizure and confiscation of ownerless animals straying within the limits of the municipality. The nuisance caused by such animals in impeding traffic, defiling the streets and in many cases devouring articles of food off the stalls of shopkeepers is very serious in too many municipalities, while cows which pick up a meagre living feeding on what they can find lying about in the streets are a positive danger to public health. Bye-laws made under section

188 (r) will naturally provide for the impounding of stray cattle and their treatment as cattle impounded under the Cattle Trespass Act, 1871, but in working such bye-laws great care will have to be exercised to prevent the subordinate staff of the committee from using them as a weapon of extortion and seizing cattle going out to graze or returning from grazing. The following table shows the municipalities in which bye-laws under section 188 (r) have been made:—

Municipality.	Notification.
Gojra Jullundur Khangarh Montgomery	No. 638, dated 23rd September, 1916. No. 635, dated 23rd September, 1916. No. 11840, dated 29th May, 1918. No. 23228, dated 7th September, 1933. No. 631, dated 23rd September, 1916. No. 19235, dated 4th November, 1918.

In addition the municipal committee of Jagadhri has made bye-laws to regulate the letting loose of bulls. (P. G. Notn. No. 12501, dated 2nd April, 1929).

The case of unauthorized projections over streets has been referred to in paragraph 98 in connection Projections over with control over buildings and the model streets. bye-laws indicate the manner permanent projections over streets should be dealt with. matter is, however, one which is important from the point of the streets as ventilating shafts of the town rather than from the point of view of the buildings. In wide streets there can be no objection to the *chajjas* and *chajja* verandahs which are such a feature of Indian architecture, but in narrow streets the position is different, and every effort should be made to get rid of these obstructions to light and air by exercise of the powers conferred by sections 172 and 175.\* So too the almost universal practice of the Punjab shopkeepers in erecting in front of his shop an unsightly awning, the supports of which are often so low as to block a portion of the street, should be sternly discouraged by exercise of the powers conferred by section 173. Awnings are indeed a practical necessity in this country, but there is no reason why they should be a nuisance. Some committees prescribe a standard cheap pattern of awning and a minimum height from the ground at which they may be fixed, and this is a course which is worthyof general imitation. Action should also be taken with regard to the placing of stools and charpoys in front of shops and the deposit of goods on the street or pavement. It should be recognized that no individual has any right to usurp any portion of a steet to the exclusion of other members of the public, and even in cases where the street is wide enough to allow of such encroachments without impeding traffic, the person who extends his premises at the expense of the public should be made to pay for the privilege.

Powers with regard to the regulation of traffic use of streets. The chief manner in which such powers can be exercised is by means of bye-laws under section 188 (p) "to regulate or prohibit any description of traffic in the streets." The following table shows the municipalities in which bye-laws have been made under this section or the corresponding sections of previous Acts:—

Municipality.		Notifications.				
Abohar Alipur Ambala City Amritsar  Baghbanpura-cum- Bhogiwal Bahadurgarh Ballabgarh		No. 545, dated 31st July, 1913; No. 23413, dated 5th October, 1923; No. 6225, dated 18th February, 1930. No. 26660, dated 27th August, 1931. No. 18809, dated 15th June, 1926.				
Banga Batala Beri Bhakkar Bhera Bhiwani Buriya Cambellpur	•••	No. 21980, dated 4th July, 1926. No. 33104, dated 28th October, 1929. No. 19222, dated 12th June, 1930. No. 15195, dated 22nd April, 1229.				
Chiniot Chunian Dajal	•••	No. 38979, dated 2nd December, 1929.				
Dalhousie		No. 695, dated, 14th October, 1913; No. 1097, dated 14th January, 1918; No. 21895, dated 31st July, 1926.				
Dera Baba Nanak Dera Ghazi Khan		No. 2084, dated 21st January, 1930. No. 638, dated 23rd September, 1916; No. 32221, dated 22nd October, 1929.				
Dharmsala Dinanagar Dinga Eminabad		No. 809, dated 25th November, 1886. No. 2080, dated 21st January, 1930. No. 22296, dated 21st July, 1930. No. 415, dated 7th January, 1930.				
Faridabad Fazilka	•••	No. 3400, dated 2nd February, 1927; No. 20125, dated 12th June, 1929; No. 26983, dated 26th August, 1929.				

Notifications,				
No. 14591, dated 17th April, 1929.				
No. 625 dated 93rd Sentember 1916.				
No. 425 dated 7th January, 1930.				
No. 16254 dated 6th May, 1930.				
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No. 12057 dated 5th April, 1930.				
No. 40090 dated 10th December, 1929.				
No. 10492 dated 26th March 1930.				
Nr. 20160 dated 22nd October 1929.				
NT 20125 detail 3rd December 1929				
ar 4449 John John Folymory 1930				
No. 30308, dated 1st October, 1929.				
·· No. 17325, dated 7th May, 1929.				
No. 39208, dated 3rd December, 1929.				
14-1 Olet Fohrmery 1917: No				
No. 3615, dated 21st February, 1917; No. 2282-S, dated 10th July, 1928.				
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1				
No. 33108, dated 28th October, 1929.				
1 1st October 1929				
No. 30246, dated 1st October, 1929.				
1 NT 90010 dated 3rd December, 1949.				
137 00064 dated 2/th NOVelliber, 1040.				
No. 631, dated 23rd September, 1310, No. 631, dated 22rd October, 1929.				
No. 17315, dated 7th May, 1929.				

Municipality.		Notifications.				
Multan	• •	No. 29437, dated 22nd December, 1920; No. 4140, dated 5th February, 1930.				
Murree	•••	No. 22646, dated 30th May, 1932; No. 8770, dated 23rd March, 1933.				
Muzaffargarh	• • •	No. 19235, dated 4th November, 1918; No. 25677, dated 3rd September, 1930.				
Nakodar	• • •					
Narowal		No. 413, dated 7th January, 1930.				
Nurmahal	٠,					
Pakpattan						
Palwal		No. 22689, dated 28th July, 1930.				
Panipat		No. 28890, dated 17th September, 1929.				
Pasrur	•••	No. 28866, dated 17th September, 1929.				
Pathankot		No. 411, dated 7th January, 1930.				
Patti		No. 24378, dated 26th July, 1929.				
Phillour		1.6. 216. date a 25. day, 1020.				
Pind Dadan Khan						
Pindigheb	•••	No. 24024, dated 24th July, 1929; No. 3246 dated 4th February, 1933.				
Raekot		<b>,</b> 1000.				
Rahon						
Rajanpur						
Rawalpindi		No. 3248, dated 4th February, 1933.				
Rewari		No. 30235, dated 1st October, 1929.				
Rohtak		No. 27741, dated 14th December, 1925.				
Rupar		2.5. 2.7. 2.2.7 (4.4.1.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.				
Sadhaura						
Sahiwal		No. 20732, dated 8th June, 1931.				
Sargodha		No. 28870, dated 17th September, 1929.				
Shahabad		No. 17873, dated 17th June, 1922.				
Sharakpur		No. 36372, dated 13th November, 1929.				
Shujabad		No. 4142, 5th February, 1930.				
Sialkot	•••	No. 409, dated 7th January, 1930; No. 8622, dated 11th March, 1930.				
Simla	••	No. 526, dated 9th August, 1910; No. 3539, dated 2nd February, 1924.				
Sirsa		No. 25064, dated 25th July, 1930.				
Sonepat	•••	No. 8203, dated 15th March, 1927; No. 25844, dated 13th August, 1929.				
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Wazirabad		No. 423, dated 7th January, 1930.				
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No model bye-laws have been issued under this section except for the regulation of bicycles and motor-cycles, as apart from regulations enforcing the ordinary rules of the road, the provisions of byelaws to regulate traffic must vary with each municipality. Specific streets must be named in which traffic of a certain description is to be prohibited altogether or permitted only at certain hours. Special rules will be required in towns where slow-moving carts like the *thela* of the south-eastern Punjab present special problems, or in the municipalities where ordinary wheeled vehicles are not used. The model bye-laws for the regulation of bicycle and motor-cycle traffic are as follows:—

Model bye-laws for the regulation of bicycle and motor-cycle traffic under sections 188 and 199 of the Punjab Municipal Act, 1911.

- 1. No person while riding a bicycle or motor-cycle on any street or public place shall carry any other person on the same bicyle or motor cycle, as the case may be, and no person shall ride or cause or suffer himself to be carried on a bicycle or motor-cycle on any street or public place except on the ordinary saddle of such bicycle or motor-cycle: provided that nothing contained in this bye-law shall apply to a person riding on a proper pillion seat of a motor-cycle.
- 2. Any person who commits a breach of bye-law 1 shall, on conviction by a magistrate, be punishable with fine which may extend to fifty rupees.
- Connected with the control of traffic is the licensing of hired means of transport and locomotion. Licensing of means of licensing is, of course, undertaken for many other transport and locomopurposes besides that of controlling traffic, but it will be convenient to deal with the subject in this place. The powers conferred by section 188 (a) and (b) in this respect are of the widest description, and, owing to the comprehensiveness of the definition of "vehicle" in section 3 (14), enable committees to deal with practically every possible means of locomotion or transport. It is to be observed that the first proviso after clause (b) of section 188 precludes committees of municipalities in which the Hackney Carriage Act, 1879, is in force from regulating by bye-laws under this section any vehicle to which that Act applies. The rule-making powers of such committees under section 3 of that Act are practically the same as the bye-law making powers of other committees under this section. and model regulations have been framed by the Punjab Government which can be issued either as bye-laws under the Municipal Act or as rules under the Hackney Carriage Act. Practically the only difference is that rules under the latter Act as amended by the Decentralisation Act, 1914, require only the confirmation of the Commissioner, whereas bye-laws under the Municipal Act require the confirmation of the Local Government, an anomaly which might well be removed. The following are the model regulations issued by the Punjab Government:-

Model by e-laws under sections 188 (a) and (b) and 199 (1) of the Punjab Municipal Act, 1911, or model rules under section 3 of

the Hackney Carriage Act, 1879, for licensing horse-drawn vehicles kept or plying for hire, fixing the rates of hire of such vehicles and the maximum loads to be carried by them and for licensing the drivers of such vehicles.

- 1. In these bye-laws "vehicle" means any vehicle drawn by one or more horses or mules.
- 2. No person shall keep any vehicle for hire or suffer any vehicle of which he is the owner to ply for hire within the limits of the municipality except under a license granted in this behalf by the municipal committee.
- 3. (a) A license for a vehicle to be kept or to ply for hire within the limits of the municipality shall be issued by the secretary of the municipal committee on the application of the proprietor of such vehicle, and shall be granted on payment of the fees prescribed in  $\frac{\text{rule}}{\text{bye-law}}$  5 subject to the conditions specified in  $\frac{\text{rule}}{\text{bye-law}}$ 8: provided that no such license shall be issued until such vehicle has been approved by the Licensed Vehicles Sub-committee as complying with the following conditions:—
  - (i) that it is in good order and repair in all its parts,
  - (ii) that the harness is complete and serviceable,
  - (iii) that it is provided with suitable lamps in good condition,
  - (iv) that the animal or animals to be used to draw it is or are in good condition, and fit for and thoroughly broken to the work required of it or them, free from vice, not under three years of age, and not under 13 hands: provided that the sub-committee may pass an animal of under 13 hands if in their opinion it is strong and equal to the draught to be required of it.
- (b) Licenses issued under clause (a) of this bye-law shall be numbered serially, and the number of the license and the class shall be painted in a conspicuous place in Urdu and English figures on either side of every licensed vehicle.
- 4. (a) For the purpose of licenses vehicles shall be divided into four classes—
  - (1) Landaus, broughams and victorias drawn by two horses.
  - (2) Broughams and victorias drawn by one horse and tongas with rubber tyres.
  - (3) Other tongas, tum-tums, bamboo carts and similar vehicles.

- (4) Ekkas.
- (b) The decision of the Licensed Vehicles Sub-committee as to the class to which a vehicle belongs shall be final.
  - 5. The fees payable for vehicle licenses shall be as follows:—

1st class	• • •	• • •	• • •	Rs.
2nd class	•••	• • •	• • • •	,,,
3rd class	•••	•••	• • •	· · · · · · · · · · · · · · · · · · ·
4th class		•••	•••	. , ,

6. The maximum fares to be charged for the hire of licensed vehicles shall be as follows:—

Period,	First class.	Second class.	Third class.	Fourth class.
First hour or portion of an hour  Every subsequent hour or portion of an hour.  Day of 9 hours				

Provided that in the case of journeys by the direct route between the places specified in the first two columns of the following table the maximum fare to be charged shall be the amount specified in the third column of the table:—

1	2	3
From or to	To or from	Amount.

7. (a) The maximum numbers of persons and the maximum weights of loads to be carried in each class of licensed vehicle shall

be as follows :-

Description of vehic	Nu	umber of	Weight of load.				
Class 1			persons driver a	including	15	maunds.	
Class 2 Broughams	and	Six p		cluding the	10	•,	
Tongas	•••	Four		including	7	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
Class 3 Class 4			Do. Do.	do. do.	7 7	,,	

For the purpose of this rule bye-law two children under ten years of age shall be reckoned as one person.

- (b) The combined weight of the persons and any luggage which may be carried at the same time shall not exceed the maximum weight specified in the third column of the table given in clause (a) of this  $\frac{\text{rule}}{\text{bye-law}}$ , and for the purpose of this  $\frac{\text{rule}}{\text{bye-law}}$  every adult shall be considered to weigh  $1\frac{1}{2}$  maunds and every child under 10 years of age to weigh  $\frac{3}{4}$  maund, provided that no account shall be taken of children under 3 years of age.
- 8. Licenses for vehicles to ply for hire shall be granted on the following conditions:—
  - (1) that the licensee shall keep the licensed vehicle clean and in good repair and the harness and lamps complete and in serviceable condition;
  - (2) that he shall not use or suffer to be used to draw the licensed vehicle any animal which has not been approved by the Licensed Vehicles Sub-committee or any animal which is lame or has sores or is otherwise unfit for work;
  - (3) that he shall not demand any fare in excess of the maximum fare prescribed in \( \frac{\text{rule}}{\text{bve-law}} \text{6} \);
  - (4) that he shall not carry or permit to be carried in or on the licensed vehicle any person or any load in excess of the number of persons or the weight of the load prescribed as the maximum in rule by the load prescribed as the maximum in by the load prescribed as the maximum in logical rule 7;
- (5) that he shall not permit the licensed vehicle to be driven by any person who has not been licensed as a driver of such licensed vehicle under true 10;

- (6 that he shall give the licensed vehicle on hire together with the necessary animal or animals and driver to any person demanding it at any reasonable time except for good and sufficient reason the burden of proving which shall lie on him;
- (7) that he shall cause to be affixed to the licensed vehicle in a conspicuous place the license granted in respect of such vehicle for the current year and a copy of the authorised table of fares printed in English and Urdu, and shall keep the number and class of the license granted in respect of such vehicle clearly painted on a conspicuous place on either side of such vehicle;
- (8) that he shall not carry or permit to be carried in the licensed vehicle any article which projects more than 2 feet from the side or more than 5 feet from the front or rear of such vehicle;
- (9) that he shall not carry or permit to be carried in the licensed vehicle any person whom he knows or has good reason to believe to be suffering from any infectious or contagious disease or the corpse of any person who has died of such disease, except with the permission in writing of the Civil Surgeon or of the Medical Officer of Health, in which case he shall cause the licensed vehicle to be disinfected to the satisfaction of the Medical Officer of Health before the vehicle is used to carry any other person for hire or otherwise;
- (10) that he shall cause to be deposited at the nearest police station any property found left in the licensed vehicle;
- (11) that he shall cause the licensed vehicle together with the animal or animals which draw it to be produced for inspection whenever required to do so by the secretary of the committee.
- (12) that for any breach of these conditions the license may be suspended or revoked by the secretary of the committee.
- 9. No person shall drive a licensed vehicle for hire except under a license to be granted in this behalf by the municipal committee, or, being licensed to drive any specified class or classes of licensed vehicle, shall drive any other class of such vehicle.
- 10. A license to drive a licensed vehicle for hire shall be issued by the secretary of the municipal committee to any person not less than 18 years of age applying for such license, on payment of the

fees specifid in rule 11, and shall be granted subject to the conditions specified in rule bye-law 12: provided that the secretary of the committee may refuse to issue a license to any person who in his opinion is unfitted to receive such a license.

11. The fees payable for a licensed vehicle's driver's license shall be as follows:—

For 1st class vehicles	Rs.	per annum.
For 2nd class vehicles	Rs.	<b>,</b> , , , , , , , , , , , , , , , , , ,
For 3rd class vehicles	Rs.	<b>39</b> , 31, 11, 11, 11, 11, 11, 11, 11, 11, 11
For 4th class vehicles	Rs.	, , , , , , , , , , , , , , , , , , ,

- 12. A license to drive a licensed vehicle shall be granted subject to the following conditions:—
  - (1) that the licensee shall always when driving a licensed vehicle carry with him his driver's license, and shall on demand produce it for the inspection of any person hiring such vehicle or of any police officer or of any officer of the committee authorized by the committee in this behalf;
  - (2) that the licensee shall always when driving a licensed vehicle wear on his arm a metal badge which shall be furnished to him when the license is issued to him;
  - (3) that the licensee shall always when driving a licensed vehicle wear the prescribed uniform and shall keep such uniform clean and tidy;

Note.—The prescribed uniform is as follows:—

(Here insert a description of whatever uniform is prescribed).

(4) that the licensee shall drive with due care and precaution, and shall observe all rules of the road and all regulations for the control of traffic which may have been or may be issued by the police or by the municipal committee, [and in particular that he shall before stopping a licensed vehicle indicate his intention of stopping by raising his hand and before turning to the right or left shall indicate his intention of so turning by extending one arm to the right or left as the case may be ;]\*

<sup>\*</sup>Note.—The portion of the rule enclosed in brackets is intended only for places where there is motor traffic.

- (5) that he shall keep any licensed vehicle of which he may be in charge clean and tidy, and shall not put his feet on any seat of such vehicle;\*
- (6) that he shall not cruelly beat, ill-treat, overdrive or in any other way misuse any animal in a licensed vehicle, and shall not drive any animal which has not been approved by the Licensed Vehicles Sub-committee or any animal which is lame or has sores or is othewise unfit for work;
- (7) that he shall not demand any fare in excess of the fares prescribed in  $\frac{\text{rule}}{\text{bye-law}}6$ ;
- (9) that he shall not drive a licensed vehicle while drunk or while suffering from any infectious or contagious disease, and shall not while in charge of a licensed vehicle make use of insulting, abusive or obscene language or gestures;
- (10) that he shall not loiter with the licensed vehicle in any public street.

Note.—If the rules are made under the Hackney Carriages  $\Lambda$ ct, add the following:—

"And shall not keep a licensed vehicle waiting for hire anywhere but at one of the places appointed by the municipal committee as stands for licensed vehicles, namely,---

### (Here enter list of stands.)

and further that he shall comply with the orders of the police as to the order in which licensed vehicles shall wait on such stands and as to the number of licensed vehicles which may wait on such stands."

- (11) that he shall not while plying for hire drive a licensed vehicle at an average speed of less than 6 miles an hour;
- (12) that he shall immediately deposit at the nearest police station any property which he may find left in a licensed vehicle;
- (13) that he shall not carry or permit to be carried on a licensed

<sup>\*</sup>This condition was inserted chiefly with a view to stopping the objectionable habit so favoured by tonga-drivers of sitting on the back seat with their legs over the back-rest and their feet on the front seat,

vehicle of which he is in charge any article which projects more than 2 feet from the side or more than 5 feet from the front or rear of such vehicle;

- (14) that he shall not carry in a licensed vehicle any person whom he knows or has good reason to believe to be suffering from any infectious or contagious disease or the corpse of any person who has died of such disease, unless the permission in writing of the Civil Surgeon or of the Medical Officer of Health has been obtained for the use of such vehicle for such purpose, in which case he shall not subsequently carry any other passenger in such vehicle whether for hire or otherwise until such vehicle has been disinfected to the satisfaction of the Medical Officer of Health;
- (15) that he shall not, without reasonable cause, the burden of proving which shall lie upon him, refuse to give on hire or to drive a licensed vehicle of which he is in charge if any person demands it;
- (16) that for any breach of these conditions the license may be suspended or revoked by the secretary of the committee.
- 13. The secretary of the municipal committee may suspend or revoke any license granted under these rules if he has reason to believe that the licensee has committed a breach of any of the conditions on which his license was granted, and the president or a vice-president of the committee and any member of the Licensed Vehicles Sub-committee may for similar reasons direct the secretary to suspend or revoke any such license.
- 14. Any person who commits a breach of these rules bye-laws and any licensee under these lules bye-laws who commits a breach of the conditions of his license shall on conviction by a magistrate be punishable with fine which may extend to fifty rupees, and if the breach is a continuing breach with a further fine which may amount to five rupees for every day after the first during which the breach continues.
- Note.—Under rule IX-3 (3) of the Municipal Account Code, 1929, no license is transferable and on the transfer of the ownership of a licensed vehicle the licensee is required to report the transfer and surrender his license for cancellation, while the transferee has to apply for a fresh license. The original licensee is, however, entitled to a refund of such portion of the license fee as may be deemed to cover the unexpired period of the license.
- Bye-laws for the lito the licensing, etc., of horse-drawn vehicles. Equally important, however, is the regulating

of bullock-cart and hand-cart traffic, and the following model byelaws have been approved by the Punjab Government and are recommended for general adoption:—

Model bye-laws for the regulation and control of country carts plying for hire, under sections 188 (a) and (b) and 199 (1) of the Punjab Municipal Act, 1911.

- 1. No person shall keep for hire or cause to ply for hire within the limits of the municipality any cart drawn or propelled by one or more men or animals except under a license granted in this behalf by the municipal committee.
- 2. (a) A license to keep for hire or cause to ply for hire any such cart shall be issued by the secretary of the committee on the application of the proprietor of any such cart on payment of the fees specified in bye-law 4, and shall be granted on the conditions detailed in bye-law 5:

Provided that the secretary shall issue no license in respect of any such cart unless and until the cart and the animal or animals, if any, which are to draw it have been inspected and approved by the Licensed Vehicles Sub-committee.

- (b) At the time of issue of a license, the secretary shall also give to the proprietor of the cart a number plate to be affixed to the cart.
- 3. Every license issued under bye-law 2 shall expire on the 31st March next following the date of its issue.
- 4. The following fees shall be paid for licenses issued in respect of various classes of carts under bye-law 2:—

(a)	a) For a cart drawn or propelled by one man						e man	1			
	19 14 - 7	-	<u> </u>								
<i>(b)</i>	For	a cart	drawn	or	propelled	by	more	than	one	man	

(c) For a cart drawn by one or more animals

5. Every license issued under bye-law 2 shall be granted subject to the following conditions:—

(a) that the cart in respect of which the license is granted shall

<sup>\*</sup> Note.—The smaller the diameter of the wheels of a cart and the narrower their tyres, the greater is the wear and tear of the road-surface involved. For this reason it is desirable to fix a scale of fees which will penalize small wheels and narrow tyres.

be kept at all times in good repair, and the animal or animals employed to draw it shall be maintained in good condition and free from sores;

- (b) that the person in charge of the cart shall not, except for reasonable cause, refuse to let the cart for hire;
- (c) that the person in charge of the cart and his assistants, if any, shall help in loading and unloading the cart if required by the hirer to do so;
- (d) that the person in charge of the cart shall not ply for hire when in a state of drunkenness, and shall not sleep or make use of insulting, abusive or obscene language or gestures when plying for hire and shall not stand or loiter with the cart upon any public street or place elsewhere than at any place which may be appointed by the municipal committee as a stand for licensed carts, and shall not refuse to give way to any carriage when reasonably required to do so;
- (e) that the person in charge of the cart shall conduct his cart on the extreme left of the road in a line with and in rear of any other cart or carts in front which is or are proceeding in the same direction, and shall not in any way make attempt forcibly to pass any cart immediately in front of his cart;
- (f) that when loading or unloading a cart in a street, the person in charge of the cart shall keep it parallel with and immediately at the edge of the street;
- (g) that when plying by night the cart shall have attached to it a lantern in such a position as to be conspicuous from in front and from behind;
- (h) that the licensee shall not employ any person of less than 18 years of age to drive or be in charge of the cart;
  - i) that the cart shall not be loaded with a load in excess of the maximum load prescribed in bye-law 7;
- (i) that for a breach of any of these conditions the license may be suspended or cancelled by order in writing to be signed by the president and at least one other member of the committee.
- 6. Every person in charge of a licensed cart shall at all times when plying for hire have with him the license for the cart, and shall, if required to do so, exhibit such license to the hirer, and shall, when called upon to do so by any magistrate, member of the committee or officer of the committee authorized in this behalf, stop his cart and

exhibit the license to such magistrate, member or officer, and state his name and residence and the name and residence of the proprietor of the cart.

	7	$\cdot (a)$	The	maximum	load to	be	carried	by	any	cart	plying
for	hire	within	n the	municipali	ty shall	be	as follo	ws :-			
			~ 1				•				

1).	For a cart drawn by 4 animals	 	
	•		
(2).	For a cart drawn by 3 animals_	distribution of source against a solutions and	and the second second second second second
	•	w	
3).	For a cart drawn by 2 animals_		
	•		
(4).	For a cart drawn by 1 animal_		
	• 14.0		

- (5). For a cart drawn by 1 animal and 2 men or by 2 or more men.
- (b) No person shall load or cause or permit to be loaded any cart with a load in excess of the maximum load prescribed for such cart in clause (a) of this bye-law.
- 8. Any person who commits a breach of any of these bye-laws and every licensee who commits a breach of the conditions of his license shall be punishable with fine which may extend to Rs. 50, and if the breach is a continuing breach, with further fine which may extend to five rupees for every day after the first during which such breach continues.

Note.—Under rule IX 3, (3) of the Municipal Account Code, 1929 no license is transferable and on the transfer of the ownership of a licensed vehicle the licensee is required to report the transfer and surender his license, for cancellation, while the transferee has to apply for a fresh license. The original license to bower, entitled to a refund of such portion of the license fee as may be deemed to cover the unexpired period of the license.

Municipalities in which bye-laws have been made under section 188 (a) and (b).

122. The following table shows the municipalities in which bye-laws have been made under section 188 (a) and (b) of the Act:—

	Notific	ATIONS.
Municipality.	Carts.	Other vehicles.
Abohar	No. 17570, dated 21st	No. 15232, dated 25th
Ambala City	June 1921. No. 15067, dated 5th June 1919; No. 1181, dated 12th January 1921; No. 12297, dated	May, 1933.  No. 6192, dated 26th February, 1921; No. 2570, dated 25th January 1926; No. 3650, dated
	9th May 1925; No. 17559, dated 23rd June 1933; No. 2882, dated 26th January 1934.	4th February, 1927; No. 4649, dated 7th February, 1930; No. 24035, dated 17th June, 1932; No. 6789, dated 7th March, 1933, (handcarts).
Amritsar	No. 319, dated 6th July *1912; No. 425, dated 10th June, 1913; No. 29657, dated 17th December, 1923; No. 32263, dated 9th De- cember 1933.	
Baghbanpura- cum-Bhogiwal Ballabgarh		•••
Banga		No. 28875, dated 29th August 1932.
Batala	No. 23666, dated 28th October, 1924.	
Bhera	M. OHOA John 194h	No. 9207, dated 17th March, 1923.
Bhiwani	37 440 1 1 0 1 T	
Campbellpur		No. 13752, dated 17th April, 1930; 37408, dated 28th November, 1932; No. 11769, dated 21st April, 1933.
Chiniot	May, 1920.	
Dera Ghaz Khan .	i No. 12207, dated 20th	No. 12205, dated 20th April, 1927.

		Notifications.			
Municipali	ty.	Carts.	Other vehicles		
Dinanagar		No. 16294, dated 22nd August, 1917.			
Fazilka	•••	No. 48, dated 13th January, 1906.	No. 20125, 12th June, 1929; No. 35941, dated		
			14th August, 1929; No. 37617, dated 30th November, 1932,		
Ferozepore	• • • •	No. 19741, dated 19th July, 1922.			
Gojra		No. 10593, dated 4th April, 1924; No. 41536, dated 23rd December, 1929.			
Gujranwala		No. 198, dated 4th April, 1914; No. 17984, dated 26th June, 1923.	No. 452, dated 7th January, 1918; No. 13008, dated 12th May, 1919; No. 24649, dated 29th October, 1923; No. 10167, dated 30th March, 1926.		
Gujrat		No 656, dated 9th November, 1914.	No. 23261, dated 18th December, 1918; No. 3500, dated 4th Feb- ruary, 1920; No. 11828, dated 5th April, 1922; No. 37584, dated 12th December, 1931.		
Gurdaspur	•••	No. 26383, dated 26th November, 1924; No. 22935, dated 4th June, 1932.	No. 1634, dated 19th January, 1927; No. 37047, dated 9th Decem- ber, 1931.		
Hansi	•••	No. 1037, dated 14th January, 1918.	No. 9134, dated 17th   March, 1931; 22598,   dated 30th May, 1932.		
Hazro		No. 823, dated 20th November, 1909; No. 443, dated 27th July, 1914.			
Hissar	•••	No. 10059, dated 23rd March, 1922.			
Hodal		No. 19941, dated 12th September, 1919 (carts and ekkas).	No. 18355, dated 7th October, 1930.		
Hoshiarpur		No. 12859, dated 2nd June, 1917.	(Handcarts) No. 21412, dated 28th July, 1926.		

	Notific	PATIONS.
Municipality.	Carts.	Other vehicles.
Jagadhri	No. 16775, dated 16th September, 1918.	No. 26730, dated 26th October, 1927; No. 6391, dated 19th February,
		1929; No, 10492, dated 26th March, 1930; No, 2/37606, dated 30th November, 1932; No.
		38252, dated 2nd December, 1932.
Jagraon	No. 22245, dated 26th August, 1927; No. 28283, dated 6th Octo- ber, 1930; No. 26645,	No. 807, dated 15th November, 1916.
Jalalpur Jattan	dated 25th July, 1932.  No. 11231, dated 4th	No. 3525, dated 3rd Feb-
	April, 1923.	ruary, 1922; No. 34898, dated 27th November, 1928; 28664, dated 23rd August, 1932.
Jhajjar	No. 1029, dated 21st November, 1891.	No. 1029, dated 21st November, 1891.
Jhang-Maghiana	No 18576, dated 12th June, 1928; No. 438, dated 7th January, 1930; No. 13142, dated 1 th April 1930.	No. 18576, dated 12th June, 1928; No. 13142, dated 12th April, 1930; No. 29975, dated 13th September, 1932.
Jhe lum	No. 707, dated 30th November, 1914; No. 26914, dated 2nd November, 1921; No. 18337, dated 4th July 1927; No. 438, dated 7th January, 1930; No. 37215, dated 13th December, 1930; No. 32649, dated 13th Sep-	(Hand-carts) No. 21208 daled 5th October, 1925, No. 20122, dated 1st August, 1927.
Jullundur	tember, 1933.  No. 14862, dated 5th August, 1918; No. 32156, dated 22nd October, 1929; No. 28028,	No. 17325, dated 2nd November, 1932; 34474, dated 2nd November, 1932.
Kaithal	dated 3rd October, 1930.  No. 15220, dated 25th  May, 1933.	
Kamalia	No. 20039, dated 30th May, 1931,	

	Notifica	ATOINS.
Municipality.	Carts.	Other vehicles.
Karnal  Kartarpur  Kasur	No. 19558, dated 5th September, 1919; No. 26674, dated 27th August, 1931.  No. 508, dated 15th July, 1913.	No. 22344, dated 24th October, 1919; No. 26672, dated 27th Au- gust, 1931; No. 9769, dated 31st March, 1933; No. 39208, dated 3rd December, 1933. No. 272, dated 14th April, 1913. No. 14989, dated 2nd May, 1931.
Khanna	February, 1934.	May, 1001.
Khangarh Khushab  Lahore  Ludhiana	August, 1932.  No. 14719, dated 13th June, 1925; No. 30939, dated 24th September, 1932.  No. 11072, dated 2nd May, 1917; No. 23257, dated 14th December, 1917.	No. 3553, dated 7th February, 1933.  No. 7084, dated 2nd April, 1917 (motor cars and buses); No. 11523, dated 8th April, 1926.  No. 37900, dated 15th December, 1931, No. 10230, dated 4th April,
Lyallpur	1933.	1933.
Mianwali Moga	lar 99094 dated 4th	No. 33634, dated 14th November, 1930; No. 29068, dated 31st August, 1932. No. 38264, dated 27th November, 1929; No. 35193, dated 7th November, 1932.
Montgomery	No. 16064, dated 2nd September, 1918; No. 11881, dated 16th April 1924.	September, 1918; No

	Notif	ICATIONS.
Municipality,	Carts.	Other vehicles.
Muktsar	No. 23233, dated 18th December 1918; No. 29896, dated 28th De- cember, 1920.	dated 30th August, 1933.
Multan	No. 502, dated 16th September, 1912; No. 1424, dated 22nd January, 1917; No. 22011, dated 22nd Octo- ber, 1919.	
Muzaffargarh	No. 20074, dated 13th November, 1918.	November, 1918; No. 1826, dated 16th January, 1931.
Nakodar Palwal	No. 1370, dated 15th January, 1919; (thelas	No. 162, dated 14th April, 1896.
Panipat	and ekkas). No. 22354, dated 9th December, 1918	No. 22354, dated 9th December, 1918.
Pasrur		No. 585, dated 26th A u g u s t, 1907; No. 28866, dated 17th Sep- tember, 1929; No. 918, dated 8th January, 1932; No. 29073, dated 31st August, 1932.
Pathankot	No. 512, dated 15th July, 1913; No. 768, dated 22nd November, 1913; No. 246, dated 9th April, 1915; No. 476, dated 19th July, 1916; No. 4639, dated 6th March, 1917; No. 24430, dated 27th August, 1926.	No. 388, dated 15th June, 1914; No. 142, dated 29th February, 1916; No. 5902, dated 16th' February, 1926.
Patti Phillaur		No. 453, dated 4th September, 1901.
Pind Dadan Khan Rawalpindi	No. 18733, dated 11th July, 1933. No. 189, dated 22nd	No. 21578, dated 1st July,
	March, 1916.	1929 (hand-carts).

	1 OTIFI	CATIONS.		
Municipality.	Carts.	Other vehicles.		
Rewari	No. 6036, dated 21st February, 1923.	No. 6036, dated 21st   February, 1923.		
Rohtak	No. 267, dated 4th June, 1912; No. 7119, dated 8th March, 1922; No. 29827, dated 12th Octo- ber, 1926; No. 26670, dated 27th August, 1931; No. 2670, dated 2nd November, 1932; No. 34476, dated			
	2nd November, 1932; No. 17257, dated 20th June, 1933.			
Rupar	No. 843, dated 29th November, 1916.	No. 9034, dated 17th March, 1931.		
Sargodha	No. 666, dated 2nd October, 1916; No. 20732, dated 8th June, 1931; No. 31614, dated 29th November, 1933; No. 34933, dated 5th November, 1933.			
Shujabad	No. 702, dated 2 st October, 1913; No. 17882, dated 27th June, 1921; No. 20360, dated 16th September, 1925; No. 21022, dated 10th May, 1932.	No. 702, dated 21st Octo- ber, 1913; No. 17882, dated 27th June, 1921.		
Sialkot	No. 11158, dated 14th May, 1918; No. 6933, dated 11th March, 1919; No. 24908, dated 30th Sepember, 1927.			
Simla	No. 3539, dated 2nd February, 1924; No. 23550, dated 11th June, 1932.			
Sirsa	No. 98, dated 3rd January, 1919.			
Sonepat	No. 20860, dated 30th September, 1919.	No. 20733, dated 27th September, 1919.		
Thanesar	No 532, dated 2nd July, 1909.	No. 23311, dated 17th July, 1929.		
Urmar-Tanda	No. 19239, dated 28th   August, 1925.			
Zira		No. 651, dated 20th September, 1913.		

Municipalities to which the Hackney Carriage Act, 1879 has been extended.

The following table shows the municipalities in which the Hackney Carriage Act, 1879 and rules thereunder are in force. As the Act applies only to passenger vehicles, committees of municipalities in which it is in force are not

precluded by the terms of the first proviso to clause (b) of section 188 of the Punjab Municipal Act, 1911 from regulating other classes of vehicles by bye-laws made under that section:—

Municipalit	ъу. 	Notification extention the Act.	nding	Notifications of rules under section 3 of the Act.*
Amritsar		No. 371, dated 8th ber, 1880.	Octo-	No. 46, dated 11th September, 1923.
Banga	. • • ;	No. 19181, dated August, 1919.	29th	No. 2334, dated 7th April, 1930.
Chiniot	· · · ·	No. 6473, dated March, 1919.	8th	No. 85, dated 9th October, 1922.
Ferozepore	•••	No 492, dated April, 1893.	18tlı	No 22112, dated 28th August, 1922; No. 24418, dated 24th September, 1926.
Gojra	•••	No. 6389, dated February, 1924.	29th	No. 290, dated 1st September, 1925.
Hansi	•••	No. 8018, dated March, 1924.	15th	No. 22, dated 12th March, 1930.
Hazro		No. 583, dated August, 1895.	15th	
Hissar	•••	No. 1800, dated December, 1906.	20th	No. 1156, dated 26th September, 1907.
Hoshiarpur	•	No. 377, dated March, 1905.	23rd	No. 3049, dated 19th May, 1921; No. 12424, dated 10th April, 1922.
Jhelum		No. 940, dated 8th ber, 1892.	Octo-	No. 1430, dated 16th October, 1906; No. 86, dated 11th February, 1910; No. 69-A-XI-B, dated 22nd September, 1925; 74-A-XI-3, dated 6th November, 1925; No. 84-A-XI-3, dated 27th September, 1927.
Jullundur		No. 254, dated August, 1881.	6th	No. 2097, dated 15th April, 1919; No. 7239, dated 25th May, 1920; No. 2277, dated 24th

Municipality.	Notification exten	$\operatorname{ding}$	Notifications of rules under section 3 of the Act.*
Lahore	No. 362, dated October, 1879.	10th	April, 1922; No. 3445, dated 27th May, 1927. No. 70, dated 20th September, 1921, No. 56, dated 31st October, 1923; No. 694, dated 12th February, 1924;
Ludhiana	No. 18257, dated	9th	No. 9, dated 6th February, 1925; No. 4, dated 3rd February, 1926; No. 15, dated 23rd March, 1929.  No. 7506, dated 26th
	August, 1919.		November, 1919; No. 636, dated 2nd February, 1926; No. 10039, dated 20th December, 1929.
Lyallpur	No. 431, dated March, 1905.	30th	No. 315, dated 26th May, 1914, No. 42, dated 17th October, 1916; No. 1, dated 21st January, 1921; No. 43, dated 31st October, 1921; No. 344, dated 1st October, 1926; No. 464, dated 28th May, 1928.
Moga	No. 19676, dated July 1920.	$19 \mathrm{th}$	No. 6004, dated 2nd October, 1920.
Multan	No. 25, dated January, 1882.	26th	No. 2, dated 17th January, 1921; No. 37, dated 23rd September, 1921; No. 350, dated 20th December, 1926.
Muzaffargarh	No. 688, dated April 1906.	12th	No. 30, dated 30th September, 1918; No. 479, dated 22nd June, 1928.
Nurmahal	No. 16970, dated July 1919.	11th	
Rahon	No. 6471, dated March, 1919.	8th	

Municipalit	y.	Notifications extending the Act.	Notifications of rules under section 3 of the Act.*
Rawalpindi		No. 254, dated 6th August, 1881.	No. 38, dated 9th July, 1919; No. 1-A-XI-1, dated 17th January, 1923; No. 9-A-XI-1, dated 27th March 1924; No. 3-A-XI-1, dated 19th January, 1925; No. A-XI-1, dated 7th June, 1929.
Sargodha	•••	No. 1324, dated 2nd October, 1915.	No. 52-A-XI-12, dated 15th December 1922.
Sialkot	• • •	No. 495, dated 9th December, 1882.	No. 7, dated 21st February, 1918; No. 48, dated 23rd September, 1918; No. 53, dated 11th November, 1918; No. 25, dated 10th March, 1919; No. 13, 1st March, 1920.

<sup>\*</sup>Note.—From the latter half of 1914 the notifications of rules are notifications issued by Commissioners who were substituted by the Decentralization Act 1914 for the Local Government as the authority whose sanction is required for rule under section 3 of the Hackney Carriage Act, 1879. The Punjab Government notifications were issued in the Home (General) Department.

- Bye-laws in hill municipalities of Simla, Dharmsala, Dalhosie and Murree have been given additional powers under section 198 of the Act by bye-laws to require—
  - (i) persons working as job-porters for the conveyance of goods,
  - (ii) animals or carriages let out on hire for a day or part thereof, and
  - (iii) persons impelling or carrying carriages to be licensed. The following table shows how far these additional powers have been exercised:—

Notifications of bye-law under section 198.
No. 104, dated 15th February, 1897; No. 139, dated 30th March, 1899; No. 84, dated 31st January, 1906; No. 173, dated 26th February, 1915; No. 1681, dated 17th January, 1921.  No. 306, dated 15th June, 1887; No. 123, dated 23rd March, 1900; No. 706, dated 28th October, 1907; No. 16640, dated 4th July, 1919; No. 26069, dated 11th September, 1928.  No. 25590, dated 13th August, 1931.

This section was amended by the Punjab Municipal (Amendment) Act, 1919, by omission of the word "such" in clause (c) (iii) so as to enable committees to require private jhampanis to be licensed.

General powers of to regulate their legitimate use a committee has committees in connection with streets. The following statement shows the nature of those powers and the sections by which they are conferred:—

Section.	Nature of power conferred.			
100				
132	Power to carry any cable, wire, pipe, drain, sewer or channel of any kind for certain purposes on certain conditions across, under or over any street.			
169	Power to (a) lay out and make a new public street,  (b) widen, lengthen, extend, enlarge, raise or lower the level of, or otherwise improve any existing public street,			
	(c) close temporarily any public street or part thereof for a public purpose, (d) turn, divert, discontinue or close any public			
	street, (e) provide building sites on public streets made			
	or altered under clauses (a) and (b), (f) acquire land for the purpose of exercising the powers specified above.			
	<ul> <li>(g) dispose of property acquired under clause</li> <li>(f) or land used for a public street if no longer required.</li> </ul>			

Section.	Nature of power conferred,		
170-B to 170-E and 170-G 171	Power to regulate the laying out and making of new streets.  Power to require the owners of lands or buildings fronting, adjoining or abutting on any street, except a public		
	street which has previously been levelled, paved, metalled, channelled, sewered and repaired out of municipal or other public funds, to carry out any work which in the interest of the public health, convenience or safety, it is necessary should be done for the levelling, paving, metalling, flagging, channelling, draining, lighting or cleaning of such street, and in default of an owner's compliance to have the work executed and recover the cost from him.		
174	Power to determine the regular line of a street and to cause buildings to be set back or permit them to be brought forward to such line.		
176 179	Power to attach brackets for street lamps to any building, Power to give a name to a street and to affix the name to any building.		

Penalties are provided in section 170-F for laying out or making a new street in contravention of the law, in section 177 for destroying municipal direction-posts, lamp-posts or lamps or extinguishing a municipal lamp and in 79 (2) for destroying, pulling-down or defacing any street name.

The powers conferred upon committees by section 169 were largely extended by the amending Act of Powers conferred by 1923 by which also sections 170-B to 170-G sections 170-B to 170-G discussed. were added, and committees now possess very wide powers for improving public streets already in existence, for making new public streets and for regulating the laying out and making of streets by private persons. So far as the last purpose is concerned it may be observed that the procedure to be adopted by the person wishing to lay out a new street and by the committee in dealing with an application for sanction to do so is practically the same as that prescribed in connection with applications for sanction to erect or re-erect buildings, and the same sort of arrangements as have been recommended above in the case of building applications should be adopted by committees to ensure the prompt disposal of applications to lay out new streets. It should be noted that if the committee issues a notice under clause (a) of section 170-C it has under the proviso to section 170-D only one month from the date of such notice within which to sanction or refuse sanction to the making of a new street, whether the notice issues on the very day when a notice under section

170-B (2) is received or at the end of the period of a month from the receipt of such notice allowed by clause (a) of section 170-C. Since, then, any one who begins to lay out or make a road without sanction is liable to prosecution under section 170-F a committee should only rarely issue a notice under clause (a) of section 170-C and should not ordinarily thus cut short the time within which it must make up its mind whether to sanction the new street or not.

The amendment of section 169 affected by the Act of 1923, operates specifically to confer powers Powers conferred by which were formerly tacitly assumed to be sections 58 and 169 dispossessed by committees, though in the case of clauses (e) and (f) practically the same power had already been conferred by the Explanation attached to section 58, which provides that when any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire under the Land Acquisition Act in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on both sides of the street and such land shall be deemed to be required for the purposes of the Act. This is a most important provision, for experience has shown that large schemes of town improvement can in this way be made to pay for themselves. Building sites on a broad street driven through a city command very high prices, and unless a committee which constructs such a street takes up also the land on either side, the profit due to the rise in values goes into the pocket of private owners instead of coming to the committee which created the enhanced values. It should, however, be observed that clauses (e) and (f) of section 169 go further than the Explanation to section 58 in that they permit the acquisition of building sites on new or improved streets at any time and not only at the time when land for such streets Applications to the Local Government under is being acquired. section 58 of the Act should be accompanied by a draft notification in the following form:

#### Draft Notification.

Whereas it appears to the Governor in Council that land is likely to be required to be taken by Government at the expense of the municipal committee of \_\_\_\_\_\_ for a public purpose, namely \_\_\_\_\_\_, it is hereby notified that the land described in the specification below is likely to be required for the said purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern, and, in exercise of the powers conferred by the aforesaid section, the Governor in Council is pleased to authorise the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and do all other acts required or permitted by that section.

Any person interested in the land who has any objection to the

acquisition may, within thirty days of the publication of this notification, file an objection in writing before the Collector of the district.

## Specification of Land.

District.	Tahsil.	Mauza.	Area in acres.	Boundaries.
		and the second s		And the state of t

Deputy Commissioners forwarding applications are also required\* to report—

- (a) whether attempts to acquire the land by private negotiations have failed;
- (b) the estimated cost of acquiring the land;
- (c) whether the local body has funds to meet such cost;
- (d) whether the project for which the land is required has been administratively approved by competent authority;
- (e) whether the local body is in a position to finance the project and if so whether it can also meet the cost of maintenance after completion of the work.

128. The powers conferred by sections 171 and 174 also require further notice. The power of compell-Powers conferred by sections 171 and 174 dis- ing buildings to be set back to a determined line is of the greatest importance and must be freely exercised if any improvement is to be effected in the existing congested condition of most towns in the province. Action can, however, only be taken under section 174 when it is proposed to reerect a building which projects beyond the line, and in such cases building bye-laws will also come into play-(vide bye-laws 20 and 21 of the suggested model building bye-laws. It has already been observed that the power conferred by section 171, of compelling owners of property abutting on a street to level, metal, etc., such street, can be exercised in respect of public streets also if they have not previously been metalled, paved, sewered, etc., at public expense. This power was not conferred by the previous Municipal Act and the following note was recorded by the Select Committee on the Bill in respect of this section. "Clause 171. The clause as framed was confined in its operation to private

<sup>\*</sup> P. G. letter No. 22212-L. S. G., dated 20th October, 1925,

streets. In practice it is considered desirable that proprietors of buildings abutting on all unmetalled roads should bear the initial cost of metalling them even though they may be streets within the definition, and we have provided accordingly." It will be seen that under sub-section (3) of this section once the owners have complied with a committee's requirements under subsection (1), a majority of them can compel the committee to declare the street a public street, after which the committee will be responsible for its future maintenance. It should, however, also be noted that this sub-section also gives power to the committee to take over a street which has been put in order by the owners of adjoining property whether they or the owners of the street itself object or not, whereas under sub-section (4) a non-public street which has not been so put in order cannot be declared to be a public street if the owner or a majority of the owners objects. This is an anomalous position which was probably not intended by the framers of the section.

Ousting of jurisdiction of Committees by Trusts under the Punjab Town Improvement Act, 1922. Scribing a regular line for the street within the limits of the scheme, while any such line previously prescribed by the committee within such limits ceases to be the regular line of frontage of the street. Committees are similarly debarred by section 49 of that Act from the exercise of their powers and functions under a large number of other sections of the Punjab Municipal Act, 1911, in respect of localities in respect of which a scheme under the Town Improvement Act may be in force.

### CHAPTER V.

# PUBLIC SAFETY AND CONVENIENCE.

The term "public safety" is usually connected with police administration. In this chapter it is used in a Police and Townless technical sense to include any sort of watchmen. measures for the safety of the public, while other matters relevant rather to the convenience than to the safety of the public are also discussed as pertaining rather to what may be called "general administration" than to any particular department. With "public safety" in its limited sense the larger committees have now no concern: the police employed in these municipalities are part of the provincial police force, and committees have nothing to do with their administration and no longer even have to pay for them. In some of the smaller municipalities police duties are discharged by town-watchmen to whom the rules contained in Part II-XI Townwatchmen, apply, and it is to be noted that under section 89 (1) (d) of the Act such watchmen possess the same powers, are entitled to the same assistance, are subject to the same responsibilities and are liable to the same penalties as if they were police officers enrolled under the Police Act, 1861. Conversely members of the provincial police employed in municipalities are bound by the provisions of section 91 of the Act, and it is their duty to give immediate information to the committee of any offence committed against the Act or rules and bye-laws made thereunder and assist all members, officers and servants of the committee in the exercise of their lawful authority. This fact is often lost sight of and it is only rarely that evasions of bye-laws are brought to notice by the police. On the other hand some committees have been under the impression that they could call on the police for assistance in almost every detail of municipal administration and the Ministry of Local Self-Government has therefore found it necessary to issue the following instructions (Punjab Government letter No. 26084 (L. S.-G.—Comts.), dated 11th September, 1928):—

"I am directed by the Punjab Government, (Ministry of Local Self-Government) to refer to sections 90 and 91 of the Punjab Municipal Act, 1911, and to say that the question of the extent to which the police should be required to render assistance to municipal committees in the performance of duties imposed by that Act has been engaging the attention of Government for some time past. Section 91 describes the duties of which the police cannot be relieved and sub-section (2) of section 91 gives the police powers of arrest under limited circumstances on certain occasions. It is considered that the police can use in the performance of these duties only the powers which they already possess under the Criminal Procedure Code, 1898, and the Police Act, 1861. Some Committees, however, hold that the police should assist them on almost every possible oc.

casion, such as for the collection of taxes, turning off of water connections, inspection of premises, etc., but Government are of opinion that police assistance should not be sought in such cases, and that it should be restricted to matters such as enforcement of traffic bye-laws and general matters similar to those in respect of which the police have powers under the Police Act, 1861. As it is desirable that such powers should be explicitly defined, Government are pleased in pursuance of the provision of section 90 of the Punjab Municipal Act, 1911, to direct that municipal committees may require the assistance of the police in the enforcement of the provisions of section 108, sub-clause (i) of clause (a) of sub-section (1) of section 109, sections 110, 111, 112, 151, 157, 177, 179, 182, 183, 184, 185 and 186 only of that Act."

The following table indicates the matters in respect of which the assistance of the police may be required in accordance with these directions:—

Section.	Description.
108	Removal of corpses.
109(1)(a)(i)	Destruction or confinement of mad dogs.
110	Enforcement of muzzling orders.
111 and 112	Control of elephants and camels.
<b>151</b>	Control of beggars.
. <b>157</b>	Prevention of nuisances in streets and in drains.
177	Prevention of destruction of direction-posts, streets-lamps, etc.
179	Prevention of destruction, defacement, etc., of street or building names and numbers.
182	Prevention of picketing animals and collecting carts.
183	Enforcement of law as to lighting of vehicles and of the rule of the road.
184	Enforcement of law as to beating of drums, etc.
185	Enforcement of law as to letting off fire-arms, fire-works, etc.
186	Enforcement of law as to quarrying, blasting, etc.

Establishment of fire-brigades and also empowers the Local Government to require committees to establish fire-brigades. Only a few committees, however, for prevention of fire.

the question whether deveraged the question whether was obtained by amendment of the Act in 1926, to compel committees



to make adequate arrangements for fire protection has been under consideration for some time. The tentative conclusion reached in 1927 was that in view of the danger to record-rooms at headquarters of districts and of the great value of the produce collected in ginning factories and in mandis at colony towns at different seasons of the year the committees concerned should make suitable provision for fighting-fire and that some sort of arrangements should also be made in other towns of considerable size. In the case of smaller towns the committees of which could not afford to maintain a regular firebrigade, it would suffice for the committees to provide a fire-engine and other necessary accessories and to place them under the charge of the police department. (P. G. letter No. 4703-S, L. S. G.—Comts., dated 7th September, 1927). No orders have, however, as yet been issued as to which committees should maintain regular brigades, though rules have been made under clause (m) of sub-section (1) of section 240 of the Act (Vide Part II-X) regarding the working of fire-brigades which may be established. Other powers conferred on committees in order to prevent fires are shown in the following table:-

Section.	Description.
121	Prohibition of the use of any premises as a yard or depot for trade in unslaked lime, hay, straw, thatching-grass, wood, charcoal or coal or other dangerously inflammable material, or for storing any explosive or petroleum or any inflammable oil or spirit except under a
180	license from the committee.  Power to prohibit within specified limits the stacking or collecting of timber, wood, dry grass, straw or other inflammable materials or the placing of mats or thatched huts or the lighting of fires in any place.
181	Power to prohibit within specified limits the making or renewing of roofs and external walls of huts and other buildings of inflammable materials.
188 (k)	Power by bye-laws to prohibit the letting off of fire-arms, fire-works, etc., except with the permission of the committee.
188 (q)	Power by bye-laws to prohibit the storage of more than a fixed maximum quantity of any explosive, petroleum, spirit, naptha or other inflammable material in any building not registered or licensed under section 121.
210	Power of entry into buildings which are sus- pected to contain more than the quantity of petroleum or other inflammable material per- mitted by the Act or bye-laws and to seize
The state of the s	any excess quantity found.

Bye-laws under section 188 (k) and (q).

132. The following tables show the municipalities in which bye-laws under section 188 (k) and (q) are in force:—

(a).—Bye-laws under section 188 (k), re. fire-arms, fire-works, etc.

Municipality.		Notification.
Abohar	And the second s	No. 24774, dated 11th October, 1922.
Amritsar		No. 263, dated 5th June, 1905. No. 1000, dated 9th January, 1932.
Ballabgarh		No. 2024, dated 25th January, 1918.
Batala		
Chunian		No. 21303, dated 25th August, 1920.
Chiniot		No. 6727, dated, 6th March, 1933.
Dalhousie		No. 26449, dated 11th September, 1930.
Dera Ghazi Khan		No. 638, dated 23rd September, 1916.
Fazilka		No. 17431, dated 2nd October, 1918; 23:39,
		dated 7th September, 1933.
Ferozepore		No. 467, dated 18th September, 1905.
Gujranwala		No. 652, dated 23rd November, 1905.
Gujrat		No. 2057, dated 23rd January, 1925.
Hazro		No. 15787, dated 7th August, 1917.
Hoshiarpur		No. 18368, dated 12th August, 1919.
Jhang		No. 1494, dated 12th January, 1929.
${f Jhelum}$	•••	No. 22831, dated 10th August, 1926.
Jullundur	• • •	No. 21002, dated 3rd October, 1919; 25558,
		dated 11th October, 1933.
Kasur		No. 38818, dated 19th December, 1931.
Khushab		No. 23936, dated 17th September, 1927.
Lahore		No. 3482, dated 19th February, 1917.
Ludhiana		No. 12623, dated 15th June, 1918; No.
		14234, dated 16th May, 1933.
Mianwali		No. 13931, dated 21st April, 1930.
Moga		No. 26782, dated 26th July, 1932.
Montgomery		No. 5828, dated 24th February, 1920.
${ m Muktsar}$		No. 11995, dated 22nd April, 1933.
Pak Pattan		No. 21961, dated 22nd August, 1933.
Panipat		No. 10179, dated 30th March, 1926.
Pind Dadan Khan		No. 35227, dated 8th November, 1932.
Rawalpindi	•••	No. 613, dated 18th September, 1916.
Rupar		No. 24058, dated 18th September, 1933.
Sargodha		No. 17410, dated 20th June, 1921.
Sharkpur		No. 8125, dated 18th Marth, 1933.
Sialkot		No. 803, dated 10th November, 1909.
$\mathbf{W}_{\mathbf{a}\mathbf{z}\mathbf{i}\mathbf{r}\mathbf{b}\mathbf{a}\mathbf{d}}$	•••	No. 18000, dated 27th June, 1923.
TI WALL DOOL		

(b).—Bye-laws under section 188 (q), re. the storage of petroleum, etc.

Municipality.		Notifications.
Abohar		No. 16527, dated 7th June, 1927.
Ambala City		No. 35, dated 30th January, 1911.
Amritsar		No. 664, dated 2nd December, 1912.
Chiniot		No. 6727, dated 6th March, 1933.
Dalhousie		No. 695, dated 14th October, 1913.
Dera Ghazi Khan		No. 638, dated 23rd September, 1916.
Dinga Dinga		No. 202, dated 22nd April, 1911.
Fazilka	• • •	
Gojra	• • • •	No. 25684, dated 15th November, 1920.
Gujrat		No. 635, dated 23rd September, 1916.
		No. 200, dated 22nd April, 1911.
Gurdaspur	•••	No. 27651, dated 2nd September, 1929; No.
Hazro		7500, dated 15th March, 1933.
	• • • •	No. 56, dated 1st February, 1900.
Hoshiarpur	••••	No. 173, dated 10th April, 1911.
Jalalpur Jattan	• • •	No. 201, dated 22nd April 1911; No. 27967,
Jhelum		dated 14th September, 1931.
Jullundur		No. 41, dated 27th January, 1910.
Kaithal		No. 310, dated 23rd May, 1910.
Karnal		No. 658, dated 17th October, 1910.
Karnar	•••	No. 16560, dated 28th August, 1917; No.
Vantanun		21254, dated 25th November, 1918.
Kartapur Kunish		No. 29605, dated 26th November, 1921.
Kunjah Lahore		No 203, dated 22nd April, 1911.
		No. 45, dated 27th January, 1910.
Moga	•••	No. 18949, dated 5th July, 1920; No. 16135,
Mantau		dated 7th June, 1926.
Montgomery Muktsar		No. 631, dated 23rd September, 1916.
Multan		No. 23232, dated 18th December, 1918.
		No. 710, dated 24th November, 1908.
Murree Magaeffanganh		No. 707, dated 5th December, 1911.
Muzaffargarh Palwal		No. 19235, dated 4th November, 1918.
		No. 16687, dated 13th September, 1918.
Panipat		No. 20060, dated 27th July, 1920.
Pathankot		No. 218, dated 27th April, 1911.
Pindigheb		No. 32767, dated 8th November, 1930.
Rewari		No. 330, dated 9th May, 1916.
Rohtak		No. 324, dated 9th May, 1916.
Simla Simo		No. 193, dated 21st April, 1911.
Sirsa	1	No. 574, dated 5th September, 1916.
		경영화 경영하는 경험을 발표하는 경우하는 모습이다면 되었다.

It should be observed that section 188 (k) gives no power to make a general and absolute prohibition of the letting off of fireworks, etc.

An important provision in the interests of public safety is the prohibition, contained in section 122, of Prohibition of cinemacinematograph, circus and dramatic performtograph and dramatic performances except in ances except in premises licensed by the comlicensed premises. mittee. No specific power to make bye-laws to regulate the grant of such licenses is conferred by the Act, but byelaws could be made under section 188 (v), "generally to provide for carrying out the purposes of this Act." It is preferable to proceed by means of bye-laws than by mere notification of the conditions on which the committee is prepared to grant licenses, so that persons interested may have an opportunity of criticising the committee's proposed conditions. No model bye-laws on the subject have been issued by the Punjab Government, but the following bye-laws, based on the directions issued by the Delhi municipal committee regarding the grant of licenses for public 'dramatic performances, are suggested as simple and generally suitable. In the case of cinematograph halls there is no necessity to make detailed regulations as such places have to be licensed also by the District Magistrate under the Cinematograph

Suggested bye-laws under section 118 (v) of the Punjab Municipal Act, 1911, to regulate the grant of licenses for premises to be used for dramatic performances and pantomimes.

- 1. Licenses for premises to be used for dramatic performances or pantomime shall be issued by the secretary on the application of the owner or lessee of such premises: provided that such premises are certified by the municipal engineer to comply with conditions (1)—(25) of the conditions detailed in bye-law 2.
- 2. Every license issued under bye-law 1 shall be granted subject to the following conditions:—
  - (1) that two separate exits are provided for each tier or floor calculated to accommodate not more than 300 persons and an additional exit for every additional 250 persons to be accommodated on such tier or floor, any broken number in excess of 250 or any multiple thereof being reckoned as 250.
  - [Explanation.—In calculating the number of persons to be accommodated on any tier or floor the standing pace from which a veiw of the performance can be obtained shall be reckoned at the rate of  $1\frac{1}{2}$  feet square for each person in addition to the sitting accommodation];
  - (2) that every such exit is not less than 5 feet wide between the walls at any point or between the leaves of the doors when open;
  - (3) that every such exit delivers direct on to the open street or

- on to an open verandah, the floor of which is not more than 3 feet above the level of the ground;
- (4) that two separate exits of a minimum width of 5 feet are provided from the stage direct on to a public street or to an open verandah not more than 3 feet from the ground;
- (5) that one separate exit of a minimum width of 4 feet is provided from each block of dressing rooms direct to a public street or open space communicating with a public street and that such exit in no way communicates with the stage;
- (6) that all internal doors are so hung as not to obstruct when open, any gangway, passage, staircase or landing;
- (7) that all exit-doors having fastenings are fastened by bolts of a pattern and in a position allowing them to be opened easily;
- (8) that all doors and all gates used for entrances are made to open outwards; or if made to open both ways, are so fitted that, when opened inwards, they can be locked back against the wall in such a manner as to require a key to release them:
- (9) that all exits and other doors or openings to be used by the public for the purpose of exit are indicated by notices clearly painted to the satisfaction of the municipal committee;
- (10) that all corridors and passages leading from a tier or floor are not less than 5 feet wide, if the tier or floor accommodates not more than 250 persons, and not less than 10 feet wide, if it accommodates more than 250 and not more than 500 persons;
- Provided that where a tier or floor accommodates not more than 500 persons and a third exit is provided, the width of corridors and passage need not exceed 5 feet; and that if a tier or floor accommodates more than 500 persons, then for every 250 persons over and above 500 an additional width of 5 feet is to be added to the corridors and passages leading therefrom, any broken number in excess of 250 or any multiple thereof being reckoned as 250. Where possible, inclines should be used instead of steps;
- (11) that the licensee shall cause all corridors and passages to be kept absolutely free, and shall not use or suffer any corridor or passage to be used as a cloak room or otherwise obstructed in any way;

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- (12) that all staircases intended for the use of the audience are at least 5 feet wide at their narrowest part if they communicate with exits from tiers accommodating not more than 300 persons; and at least 7 feet wide at their narrowest part, if the tiers accommodate more than 300 persons;
- (13) that all staircases are provided with treads not less than 11 inches wide and with risers not more than 6 inches high (each lapping at least one inch over the back edge of the step below it), without winders, in flights of not more than 15 or less than 3 steps each;
- (14) that a continuous and uninterrupted hand-rail is fixed on both sides of all steps and landings, and is supported by strong metal brackets built into the wall, such hand-rails and brackets not to project more than 3 inches;
- (15) that no door opens immediately upon a flight of steps, but that a landing with a minimum distance of 3 feet between the door and the steps is provided between such steps and doorway;
- (16) that the seating area to be assigned to each person is not less than 2 feet deep and 1 foot 6 inches wide in all parts of the auditorium where no backs or arms are provided to the seat, and not less than 2 feet 4 inches deep and 1 foot 8 inches wide where backs or arms are provided: in all cases, however, that there is a space of at least 1 foot 6 inches in depth between the front of one seat and the back of the seat immediately in front measured between perpendiculars. Where chairs, and not fixed seats are used, that, except in boxes, they are battened together at a distance of not less than 1 foot 8 inches from centre to centre where they have arms, and 1 foot 6 inches where they are without and in lengths of not less than 12 chairs in a section;
- (17) that all such premises are provided with sufficient and separate latrine accommodation for the use of males and females respectively, and urinal accommodation for the use of males;
- (18) that in all such premises where a stage with proscenium is erected, such stage is separated from the auditorium by a brick proscenium wall not less than 15 inches in thickness, and that such wall is carried down below the stage to a solid foundation and up the full thickness to a height of at least 3 feet above the roof, such height being measured at right angles to the slope of the roof;
- (19) that the space underneath the stage is entirely closed, with

the exception of such doors as the committee may approve, by a brick wall not less than 10 inches thick, and that the licensee shall keep such space entirely clear and empty from all inflammable material or rubbish;

- (20) that the licensee shall keep such hand-pumps, hose, buckets and other small fire appliances as may be required by the committee in such a position as the committee may direct;
- (21) that the licensee shall keep hatches, hooks and other appliances for taking down hanging scenery in case of fire in readiness for immediate use;
- (22) that additional means of lighting, for use in the event of gas or electric light being extinguished, are provided in such premises for the auditorium, corridors, passages, exits and staircases by a sufficient number of oil lamps, of a pattern to be approved by the committee, properly secured to an uninflammable base, and placed, if possible, out of reach of the public, and that the licensee shall keep such lamps alight during the whole time the public are in such premises, and shall use mineral oil in such lamps;
- (23) that the licensee shall not use arc lamps inside such premises without special permission and when such lamps are so used, shall take special precautions to guard against danger from falling glass or incandescent particles of carbon: all parts of the lamps, lanterns and fittings which are liable to be handled (except by the persons employed to trim them) to be insulated from the frame work, and in no case arc lamps to be suspended by the conductors;
- (24) that the licensee shall keep at least one bucket filled with dry sand in some accessible position on the stage, and one in each of the intake rooms, for use in dealing with an electric fire;
- (25) in cases where gas is used:
  - (a) that the foot lights or floats are protected by fixed wireguards;
  - (b) that the rows and lines of gas-burners in the wings (which must commence at 4 feet at least from the level of the stage) are protected by fixed iron wire-guards;
- (26) that the licensee shall allow no person inside the premises in excess of the accommodation provided in accordance with clause (16) of this bye-law.
- 3. The owner or lessee of any premises licensed under bye-law 1 who, subsequent to the issue of the license, makes any addition to

such premises or any such alteration as to cause such premises to be not in conformity with the conditions on which the license was granted shall be deemed to have committed a breach of the conditions of his license if he uses such premises or suffers them to be used for any public dramatic performance or pantomime.

Bye-laws on these lines have been adopted by the Murree Municipal Committee (Notification No. 23499, dated 14th September, 1927.)

134. Section 121 prohibits the use of any premises for melting The regulation of of- tallow, dressing raw hides, boiling bones, offal fensive and dangerous or blood, as a soap-house, oil-boiling house, trades.

dyeing-house or tannery, as a brickfield, brickkiln, pottery or lime-kiln or as any other manufactory, engine-house, store-house or place of business from which offensive or unwholesome smlels, gases, noises or smoke arise, except under a license from the municipal committee. The object of the Act in conferring this power appears from sub-section (2) of this section to be to save from annovance, offence or danger persons residing in or frequenting the immediate neighbourhood of such premises or to enable a committee to keep a particular area free from the establishment of offensive trades. Subsection (3) of the section empowers a committee to impose conditions in respect of the grant of licenses for such premises, but it is obvious that only such conditions were intended as would serve the purpose for which the power of granting licenses was conferred. It was certainly not intended that under cover of this section committees should be able to interfere with conditions of employment or methods of manufacture within the premises, matters which come within the scope of the Factories Act Had there been any such intention it would not have been laid down that licenses are not to be withheld unless the business which it is intended to establish or maintain is likely to be a public nuisance. For the same reason it may be held that in subsection (1) the words "from which offensive or unwholesome smells, noises or smoke arise" qualify "any other manufactory, engine-house, store-house" as well as "place of business," though some committees have attempted to require the licensing of any sort of premises containing an engine whether any offensive or unwholesome smell, gas, noise or smoke arise therefrom or not.\* On the other hand, a committee has the fullest discretion to withhold a license if it considers that the business to be established or maintained would be a public nuisance: no question of fact arises as to whether any such nuisance actually is caused; the only question is whether the committee considers such nuisance will be caused, the evidence of which is

<sup>\*</sup>Note.—In P. G. No. 20542, dated 7th November 1917, the Commissioner of Jullundur was informed that the Lieutenant-Governor is advised that the words in section 121 (1) of the Punjab Municipal Act, 1911, "from which offensive or unwholesome smells, noises or smoke arise" are not confined to the words "place of business." This presumably means that the words "from which......arise" do not qualify only "place of business." In P. G. Memo. No. 2029, dated 25th January 1918, the Commissioner of Jullundur Division was further informed that the words "offensive or unwholesome" in section 121 should be held to qualify all these words "smells, noises or smokes" in that section in spite of the fact that the word "unwholesome" is not generally applied to noises.

only to be found in its resolution on the subject. It would, therefore, appear that no court can upset a committee's decision to refuse a license, but an appeal against such a decision is now provided for in section 225 (1) (c). Bye-laws regulating the grant of licenses for premises to be used for dangerous and offensive trades are in force in the municipalities noted below:—

Municipality.	Notifications.
Cambellpur Eminabad Ferozepore Gujrat Gurdaspur Isakhel Jhelum  Lyallpur Mianwali Murree Patti Rohtak	No. 9172, dated 17th March, 1930. No. 22026, dated 19th October, 1925. No. 19231, dated 12th June, 1930. No. 35689, dated 4th December, 1928. No. 5144, dated 18th February, 1933. No. 27651, dated 3rd September, 1929. No. 23190, dated 16th July, 1928. No. 26694, dated 18th September, 1928; No. 26395, dated 28th August, 1930. No. 26395, dated 19th August, 1929. No. 28030, dated 2nd October, 1928. No. 22127, dated 27th July, 1928. No. 29504, dated 19th October, 1928. No. 10763, dated 21st March 1929. No. 16971, dated 22nd May 1928.

Model bye-laws for the regulation of dangerous and offensive trades.

Sargodha under sections 121 and 188 of the Act was recomended to all municipal committees as a model in P. G. Letter No. 19917 (L. S.-G.—Comts.), dated 28th July, 1927, and are reproduced below. It will be observed that they contain no penalty clause, a penalty being provided in sub-section (5) of section 121 of the Act:—

Model bye-laws under sections 121 and 188 for the regulation of dangerous and offensive trades.

No. —The following bye-laws made by the municipal committee of , in exercise of the powers conferred by sections 121 and 188 of the Pūnjab Municipal Act, 1911, having been confirmed by the Punjab Government (Ministry of Local Self-Government), as required by section 201 of the said Act, are published for general

<sup>†</sup>Note.—Cf. 6 Punjab Record, 1919. Civil, where it was held that in the absence of a finding that the action of the municipal committee was wanton or without any justification or was tainted by mala fides, the courts have no jurisdiction to interfere with the committee's order under section 121. The courts cannot substitute their judgment as to the noxious character of a trade for that of the committee:

information, and shall come into force within the municipality of in the district, on the day of 19:-

#### BYE-LAWS.

- 1. Licenses under sub-section (1) of section 121 of the Punjab Municipal Act, 1911, shall be issued by the secretary of the committee in form A appended to these bye-laws on the application of the owner or occupier of the premises to be used for any of the purposes specified in the said sub-section and shall be granted on payment of a fee of two rupees for each license and on the conditions detailed in bye-law 3.
- 2. All applications for the renewal of licenses shall be made before the fifteenth day of March in each year.
- 3. Every license issued under bye-law 1 shall be subject to the following conditions:—
  - (a) that the license shall permit any member or officer of the committee authorised in this behalf to inspect the licensed premises at all reasonable times and without notice;
  - (b) that the licensee shall always keep the license issued by the secretary at the licensed premises, and shall on demand produce it for the inspection of any member or officer of the committee authorised under clause (a) of this bye-law;
  - (c) that the licensee shall make adequate arrangements to the satisfaction of the for the extinction of any outbreak of fire;
  - (d) that the licensee shall at all times keep the licensed premises in a clean and sanitary condition and shall provide them with adequate ventilation, suitable drains, latrines, urinals and other sanitary conveniences for the use of the workmen employed therein;
  - (e) that the licensee shall not permit any work to be carried on at the licensed premises which gives rise to offensive or unwholesome noises between eight o'clock at night and six o'clock in the morning unless he has been specially authorised in this behalf;
  - (f) that in premises where oil engines are used, kerosine oil, petroleum and other inflammable materials shall be kept in a separate room which shall not be contiguous to the engine room;
  - (g) that the licensee shall store flour, foodgrains or other articles of food in a suitable room or rooms which shall be used for no other purpose and shall be rat-proof;

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- (h) that the licensee shall adopt the best practicable means to the satisfaction of the committee for rendering innocuous all gases, effluvia or vapours emitted by the engine during the process of working, and shall in every case cause such gases, effluvia or vapours to be discharged into the external air in such a manner and at such a height as to admit of the proper diffusion of these gases without producing any unwholesome or injurious effects in the neighbourhood or shall cause such gases to pass from the exhaust pipe (or other outlet of such gases) through fire or into a condensing apparatus and then through fire in such a manner as to consume effectually such gases so as to deprive the same of all noxious or injurious properties;
- (i) that in premises where smoke arises through the use of coal in the furnace or any other place in the engine-house, the licensee shall use such apparatus that will as far as practicable consume the smoke arising from the engine or the furnace;
- (j) that for a breach of any of these conditions the license may be suspended or revoked by an order of

Explanation.—For purposes of this bye-law, the decision of the committee or some officer appointed by the committee in this behalf as to whether the ventilation is adequate or the drains or the rooms are suitable or the means adopted for rendering gases, effluvia or vapours innocuous are the best practicable, shall be final.

4. No person shall store the articles mentioned below for purposes of trade in excess of the quantity shown against each, except under a license issued under these bye-laws:—

(a) straw, bhi	usa, hay, that	ching grass	fo	rty-five	maunds.

(b) sirki, wan, munj, or rope, kana, san, khajur leaves, cocoanut fibre, cotton ...

twenty maunds.

(c) fuel, charcoal, coal ... forty maunds.

 $(d) ext{ bamboos} ext{ ... four hundred in } ext{ number.}$ 

(e) wooden boxes ... twenty in number.

(f) sulphur matches ... forty dozen boxes.

(g) non-dangerous petroleum .. eight gallons,

#### FORM A.

A license to carry on an offensive and dangerous trade in the municipality of \_\_\_\_\_\_.

N.B.—This license is subject to the conditions specified in bye-law 3 of the bye-laws published with Punjab Government notification No.————, dated——————.

Serial number of license,	Name, parentage, caste and residence of the licensee.	A description of the premi- ses licensed.	A specification of the trades mentioned in section 121 (1) of the Punjab Municipal Act, 1911, for which the license is issued.	Endorsement of annual renew- als of license.
				Renewed on-
				Secretary, Municipal Committee,

Regulation of the use of steam whistles and steam trumpets.

136. Similar to a committee's powers in respect of dangerous and offensive trades are its powers under section 124 with regard to the use of steam whistles and steam trumpets.

137. Other annoyances which are penalized by the Act include the beating of drums, the blowing of

Penalties for beating drums, etc., letting off fire-works, etc., playing games, quarrying, blasting, etc., so as to be a public danger, sections 184—186.

include the beating of drums, the blowing of horns and trumpets and the beating or sounding of any brass or other instrument or utensil in contravention of any general or special prohibition of the committee—section 184. It will be noted that it is not assumed, as it might well have been, that such beating of drums, etc.,

will necessarily be a public nuisance. A committee must first take action and prohibit such street music before indulgence in it without permission can become an offence. On the other hand, in section 185

letting off fire-works, etc., or playing games at once becomes an offence if it causes, or is likely to cause, danger to persons in the neighbourhood or risk of injury to property. So too with quarrying, blasting, cutting timber or carrying on building operations in a dangerous fashion—section 186.

138. Bill-sticking, writing upon, soiling, defacing or marking any building, wall, tree, board, fence or pale Bill-sticking, etc., secwithout the consent of the owner or occupier tion 188(n). is penalised by section 178. Authorised billposting, etc., can only be controlled by bye-laws under section 188 (n), under which a committee can regulate the posting of bills and advertisements and the position, size, shape and style of name-board, sign-boards and sign-posts. The only committees which at present possess bye-laws under this section are those of Dalhousie and Lyallpur (Notifications No. 695, dated 14th October, 1913 and No. 23378, dated 3rd November, 1919), and here the regulations merely prohibit billposting on public roads except on the committee's boards, prescribe the procedure to be adopted for posting bills on such boards and penalise the removal or destruction of bills so posted. A committee may, however, do much more than this in exercise of the powers conferred by section 188 (n), and in Lahore attempts have been made not only to regulate bill-posting on recognised boards, but to control the erection of all kinds of advertisements, shop-signs, etc. The bye-laws submitted to Government by the Lahore committee were, however, not approved, and the difficulty of exercising control without being unduly strict, and of reconciling a committee's right to protect certain localities or certain principal thoroughfares from disfigurement with the legitimate claims of trade and business has not yet been solved.

139. The powers and penalties provided by sections 109 and

110 with the object of protecting the public from mad, dangerous and stray dogs have been mentioned in paragraph 111 above. Section 188 (s) also enables a committee by bye-law to provide for the registration of dogs and to charge an annual fee for registration, while under section 61 (1) (c) a tax may be imposed on dogs kept within the municipality. Bye-laws under section 188 (s) are in force in the following municipalities only:—

Municipalit	y.	Notifications.
Amritsar		No. 15400, dated 30th July, 1917; No. 13049 dated 26th April, 1920.
Dalhosie		No. 32076, dated 3rd November, 1930.
Jullundur		No. 19560, dated 5th September, 1919.
${f Lahore}$		No. 19647, dated 4th June, 1929.
Montgomery		[ - 독두 - 전: [공급·공급·공급·급 - ] - 기업에도 그 기급 이 교통은 그리고 있는 다른 기업 기업 -
Murree		[[교육의 기계교(대]] 기교 경기 기교 경고 맛이 되면 무슨 개요한다. 성기에 다른 시민은 사람이 되어 되었다.
Rawalpindi		No. 617, dated 13th October, 1915.
Simla		No. 255, dated 7th April, 1913.

Taxes on dogs have been imposed in the four hill municipalities of Simla, Dharmsala, Dalhousie and Murree: here, however, the object is rather to tax the European visitor than to check the dog nuisance, and though in a few municipalities some effort is made to destroy stray dogs, it may truly be said that as a whole committees in the Punjab have entirely failed to deal with the nuisance caused by the hundreds of dogs which infest every town. Yet in view of the thousands of persons who every year have to proceed to Kasauli for anti-rabic treatment and of the many cases of death from hydrophobia, it is clearly the duty of every committee to use to the utmost the powers which have been given to it to cope with this public nuisance. The following bye-laws, based on those in force in the Lahore municipality are recommended as a model:—

## Model Bye-laws for the Registration of Dogs under sections 188 and 199 of the Punjab Municipal Act, 1911.

- 1. No person shall keep a dog of more than—weeks of age within the municipal limits for more than one week unless it is registered at the municipal office.
- 2. (1) Any person who wishes to register a dog shall apply for such registration on the prescribed form of application which may be obtained free of charge at the office of the committee.
- (2) Every application for registration shall be accompanied by a fee of one rupee.
- (3) A registration shall remain in force for one year only, and any person who wishes to renew any registration for a further period of one year shall apply for registration in the manner provided in clauses (1) and (2) of this bye-law.
- (4) The secretary of the committee shall register or cause to be registered every dog in respect of which an application for registration is received together with the prescribed fee and shall issue to the applicant a metal badge in token of the dog having been registered.
- (5) If any badge issued under clause (4) of this bye-law is lost, the owner or keeper of the dog in respect of which the badge was issued may apply for another badge and the secretary of the committee shall issue another badge on receipt of——annas in payment thereof.
- 3. Every owner or keeper of a registered dog shall cause such dog to wear a collar to which there shall be attached the metal badge issued under clause (4) or clause (5) of bye-law 2 in token of the dog having been registered.
- 4. Any unregistered dog found in any public place not wearing a collar with such badge shall be detained at a place to be set apart

for the purpose, and shall be liable to be destroyed or to be disposed of otherwise or under the orders of the president on the expiry of a period of one week from the date of its capture, unless the owner or keeper of the dog in question before the expiry of such period shall have claimed it and shall have paid a fee of——annas for every day or part thereof not being less than eight hours during which it has been detained.

5. Any person who commits a breach of these bye-laws shall, on conviction by a magistrate, be punishable with fine which may extend to fifty rupees and when the breach is a continuing breach with a further fine which may extend to five rupees for every day after the first during which the breach continues.

140. It has already been noticed (vide page 279) that the charge incurred by a committee in sending indigent persons to Kasauli for treatment have been declared by the Local Government to be appropriate charges on the municipal fund. It is also generally understood, though no rule has

been made on the subject, that a municipal committee will make the same concessions to its employees as are made by Government to its servants. Extracts from the latest edition of the Government of India's Memorandum of Information about Kasauli are contained in Appendix N. Under the rule quoted in paragraph 9 (1) of that Memorandum it will be seen that the Local Government is to fix the rank of the officer to be empowered to grant the concessions made by Government, and to authorise the immediate departure for Kasauli of any of the classes of persons specified, whether Government servants or indigent persons unconnected with the public service. The Lieutenant-Governor, accordingly, appointed the president or vice-president of a municipality as the officer to give the required sanction in the case of municipal employees (vide P. G. letter No. 736-S. (Home—Medical and Sanitary), dated 22nd June, 1907).

141. Under section 188 (e) (iii) a committee is authorized to provide by bye-law for defining the standard weights and measures to be used in the municipality and for the inspection of weights and measures under section 207, which empowers a committee, or any person authorised in this behalf, to enter any premises, inspect weights and measures and seize any weights and measures suspected to be false. The following model bye-laws drawn up in consultation with the Master of His Majesty's Mint and the Officer-in-charge of the Mathematical Instrument Office, Calcutta, were published for the guidance of committees in P. G. Notification No. 23537, dated 8th October, 1923:—

Model bye-laws defining the standard weights and measures to be used within a municipality; under sections 188 (e) (iii) and 191 of the Punjab Municipal Act, 1911.

- 1. Within the limits of the municipality—
  - (a) the primary standard of weight shall be the standard

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tola which shall be equal to the weight of the Government rupee as prescribed by section 5 (1) of the Indian Coinage Act, 1906;

- (b) the primary standard of volume shall be the standard quart as prescribed by section 15 of the Weights and Measures Act, 1878 (41 and 42, Vict. Cap. 49);
- (c) the primary standard of length shall be the standard yard as prescribed by section 2 of the Measures of Length Act, 1889.
- 2. (a) A weight of five standard tolas shall be called a standard chhatack; a weight of 16 standard chhatacks shall be called a standard seer, and weight of 40 standard seers shall be called a standard maund.
  - (b) A volume of one-half part of a standard quart shall be called a standard pint, and a volume of four standard quarts shall be called a standard gallon.
  - (c) One-third part of the standard yard shall be called a standard foot, and one thirty-sixth part of such a yard shall be called a standard inch.
- 3. No person shall use within the limits of the municipality for the purpose of barter, sale or exchange any weight or measure of volume or length purporting to be—
  - (a) a tola, chhatack seer or maund, or
  - (b) pint, quart or gallon, or
  - (c) inch, foot or yard,

or any multiples or sub-divisions thereof unless it conforms with its respective standard as prescribed in bye-laws 1 and 2.

4. Two sets of each of the following standard weights and measures of volume and length shall be kept at the office of the municipal committee, and of these the sets of the standards of weight and volume shall bear the mark and date of His Majesty's Mint at Calcutta and the standard of length shall bear the certificate of the Officer-in-charge, Mathematical Instrument Office, Calcutta:—

Weight, 20 (two specimens), 10, 4, 5, 3, 2, 1 seers and 8, 4, 2, 1 chhatacks and 3, 2, 1, \frac{1}{2} and \frac{1}{4} tolas.

Volume, 1 gallon, 1 quart, 1 pint.

Length, 1 yard, 1 foot, 1 inch.

- 5. The secretary of the municipal committee shall allow any person to inspect the standard weights and measures of volume and length mentioned in bye-law 4 free of charge at all reasonable times and to compare therewith any weight or measure which such person may have in his possession.
- 6. The standards of weight and volume, and the standards of length mentioned in bye-law 4 shall in the month of January every year be sent to be tested, one set at a time, by the Master of His Majesty's Mint, Calcutta, and the Officer-in-charge, Mathematical Instrument Office, Calcutta, respectively.
- 7. Any person committing a breach of bye-law 3 shall be liable on conviction by a magistrate to a fine which may amount to Rs. 50.

Bye-laws prescribing standard weights and measures.

142. The following table shows the municipalities in which bye-laws prescribing the use of standard weights and measures have been made:—

Municipality.		Notification.
Abohar		No. 23114, dated 31st July, 1930.
Ambala City		No. 19796, dated 20th August, 1924.
Amritsar		No. 23278, dated 3rd October, 1923.
Banga		No. 28505, dated 18th September, 1931.
Batala	•••	No. 15127, dated 2nd May, 1923.
Bhakkar		No. 21891, dated 31st July, 1926.
Bhiwani	•,••	No. 13201, dated 27th April, 1926.
Campbellpur		No. 8195, dated 15th March, 1927.
Chunian		No. 29346, dated 18th October 1928.
Dalhousie		No. 19113, dated 19th June, 1928.
Dera Baba Nanak	٠.	No. 19111, dated 19th June, 1928.
Dinanagar		No. 4467, dated 7th February, 1928.
Eminabad		No. 2665, dated 21st January, 1929.
Faridabad		No. 13219, dated 17th April, 1928.
Fazilka	,.,	No. 13585, dated 6th July, 1918.
Ferozepore		No. 27349, dated 9th December, 1925.
Gojra		No. 15422, dated 6th June, 1924.
Gujranwala		No. 19109, dated 15th June, 1928.
Gujrat	•••	No. 25535, dated 15th November, 1924.
Gurdaspur		No. 10715, dated 5th April, 1927.
Hansi		No. 1644, dated 19th January, 1927.
Hoshiarpur		No. 28518, dated 28th September, 1926.
Jagadhri	••	
Jhang-Maghiana		No. 11156, dated 29th April, 1925.
Jhelum		1 at 0 = 0 0 0 2 1 1 4 0 0 0 0 1 1 4 0 0 0 0

Municipality.	Notification.
Jullundur Karnal  Kartarpur Khem Karan Khushab Lahore Ludhiana Lyallpur Montgomery Muktsar Multan	No. 13105, dated 29th April, 1924. No. 9713, dated 19th March, 1928. No. 37030, dated 19th November 1929. No. 2439, dated 20th January, 1928. No. 24427, dated 24th September, 1927. No. 21047, dated 12th September, 1924. No. 7041, dated 2nd March, 1934. No. 2 283, dated 10th October, 1924. No. 21290, dated 26th July, 1926. No. 017, dated 13th January, 1930. No. 5881, dated 4th September, 1930.
Murree Panipat Pasrur Pathankot Patti Rawalpindi Rewari Rohtak Sahiwal Sargodha Shujabad S'alkot Sirsa Thanesar Wazirabad	No. 40942, dated 17th December, 1929, No. 11371, dated 10th April, 1920. No. 14322, dated 23rd April, 1930. No. 29501, dated 19th October 1928. No. 4465, dated 7th February, 19 8. No. 11378, dated 10th April, 1920. No. 12088, dated 16th April, 1926. No. 16348, dated 23rd June, 1924. No. 24225, dated 9th November, 1915. No. 29184, dated 27th December, 1924. No. 1482, dated 12th January, 1929. No. 33468, dated 19th November, 1928. No. 24420, dated 24th September, 1927. No. 14593, dated 17th April, 1929. No. 35685, dated 4th December, 1928.

Procuring and testing standard weights and measures.

Procuring and testing only thirty-three out of the forty-five local bodies, which up till then had adopted the model bye-laws, had ordered standard sets of weights

and measures and pointed out the necessity of rendering the bye-laws operative by the provision of the necessary sets (P. G. letter No. 14858 L. S.-G.—Comts., dated 8th April, 1929). At the same time intimation was circulated as to the prices charged by the Mint for sets of weights and measures and the Mint charges for adjusting weights, vide Appendix Z in Part V. This information was contained in a letter No. 448/426 (37), dated 7th February, 1929, from the Master of Mint, in which it was also intimated that all weights and measures received for test were taken up in rotation and that it was desirable that municipalities should be instructed to enquire in the first instance when it would be convenient for the Mint to receive their weights and measures for testing in order to avoid undue delay in return and consequent inconvenience to despatching officers. Reference was also made to the arrangements adopted by the municipal committee of

Karnal which had obtained locally made weights and was using them as standards after having them stamped at the Mint, and it was suggested that other committees which could not afford the Mint prices might follow this example.

Sections 152 and 153 provide certain powers and penalties with regard to disorderly houses and pros-Powers over disorderly An order of a magistrate under titutes. houses and on prostitutes. section 153 is subject to the provisions of the Criminal Procedure Code as regards appeal or revision, but no appeal is preferable against an order of the committee under section 152, and the question has arisen as to whether the persons concerned would have any remedy if a committee used this section to banish prostitutes entirely from municipal limits by a series of notices covering in the aggregate every part of the municipality. It would seem that the only remedy of such persons would lie in persuading the Commissioner or Deputy Commissioner to exercise his powers under section 232 of the Act to suspend the execution of a committee's resolution to issue a notice under section 152 on the ground that it was likely to cause injury or annoyance to a class of persons.

145. In a chapter entitled "Public Safety and Convenience" attention may suitably be drawn to the pro-Bathing and washing visions of section 106, under which a committee places. may set apart suitable places for the purpose of bathing, may specify the times at which, and the sex of the persons by whom such places may be used and may charge fees for the use of such places. The power thus conferred presumably relates to places belonging to the committee, for it can hardly have been intended that a committee should set apart a private tank, for instance, and The intention must have been that the committee charge for its use. should provide bathing-places, such as ghats on a river bank or regular In Delhi, bathing-places have been constructed at public baths. several places in the city, the water being laid on from the regular municipal supply, and they have proved so popular that other committees may be encouraged to follow this example. Though no specific power is conferred to regulate such places by bye-laws, this might well be done under clause (v) of section 188.

Advisory powers of committees in respect of excise matters.

Act, 1923, municipal committees had a considerable say in connection with excise matters.

Section 35 of the Punjab Excise Act, 1914, requires the Collector to ascertain local public opinion before granting any new retail liquor license, and it is laid down in the rules published in P. G. Notification No. 93, dated 15th January, 1915, as amended by Notification No. 1053, dated 17th September, 1915, that in such a case the Collector shall lay his proposal in writing before the municipal committee, which may submit its opinion thereon within 10 weeks. If the committee differs from the Collector the matter must be referred to the Financial Commis-

sioner. This necessity of consulting the municipal committee was further extended by the Financial Commissioner (Circular letter No. 1579, dated 28th October, 1915) to cases in which the Collector proposed to make any charges in the excise administration in respect of hours of sale, grant of new licenses other than liquor licenses, grant of special licenses for fairs, situation of shops, reduction of licenses, regulation of amenities offered and methods of conducting shops and of maintaining order and decency, conditions of licenses in general including restriction of sale on the premises. At the same time Collectors were directed to invite committees to give their views on these matters even if he himself proposed no change.

The Punjab Local Option Act, 1923, has now conferred on such committees as may apply to be allowed to exercise them much wider powers of interference in excise administration by reducing the number of liquor shops or if two-thirds of the registered electors so desire by prohibiting the sale of liquor altogether. The committees of the municipalities shown in the statement below have been notified as "empowered local bodies" under section 3 of the Act:—

Municipality.	Notification.
	No. 23670, dated 28th October, 1924.
	No. 942, S. R., dated 22nd February, 1926.
Fazilka	No. 23672, dated 28th October, 1924.
Ferozepore	No. 22515, dated 15th October, 1924.
Hissar	No. 23668, dated 28th October, 1924.
Kasur	No. 4737, S. R., dated 23rd November, 1925.
	No. 1987, S. R., dated 27th April, 1926.
	No. 3494, dated 6th February, 1925.
	. No. 22136, dated 8th October, 1924.
	No. 507, dated 8th January, 1925.
	. No. 6246, dated 11th March, 1925.
	. No. 22134, dated 8th October, 1924.
	. No. 3210, S. R., dated 28th June, 1928.
	. No. 503, dated 8th January, 1925.
Sadhaura	. No. 2687, S. R., dated 26th May, 1928.
	. No. 22132, dated 8th October, 1924.
	No. 21322, dated 18th September, 1924.

## CHAPTER VI.

### PUBLIC HEALTH.

GENERAL.

Under the system of administration in force in this province subjects concerned with public health are Public ofDivision divided between the Medical and Public Health Health subjects between Medical Fublic and departments. Roughly, the distinction is one Health Department. between remedial and preventive measures, but though the departments have their separate heads, the Inspector-General of Civil Hospitals in one case and the Director of Public Health in the other, each with his allotted sphere of action, the distinction is in many cases hard to maintain and must inevitably to some extent break down in practice. In this chapter, therefore, both "Medical" and "Sanitary" subjects are dealt with under the common heading of "Public Health." In the sphere of municipal administration the two departments, indeed, formerly found a common head in the Civil Surgeon who was responsible both for medical relief and for the supervision of the sanitary administration of the municipal towns situated in his district, and this fact was emphasised by the Local Government when it made it a condition of sanitary grants by Government to municipal committees employing under the old rules a second-class Health Officer, that the committees in question should, where necessary, frame bye-laws providing for the appointment of sanitary sub-committees of which the Civil Surgeon should be ex-officio chairman. This side of the Civil Surgeon's work was never, however, very prominent, and the Civil Surgeon is now a member of the committee in very few municipalities. In the municipalities where Medical Officers of Health are employed the distinction between the Civil Surgeon as in charge of medical relief and the Medical Officer of Health as the chief sanitary officer is, of course, clearly defined, while in other cases the responsibility for the supervision of public health activities has been transferred from the Civil Surgeon to the District Medical Officer of Health who has been notified as Municipal Medical Officer of Health under section 3 (15) of the Act. In the following sections various aspects of "Public Health" are examined, all of which, with the exception of "medical relief," may be regarded as coming within the scope of the Medical Officer of Health's department in a municipality. "Medical relief," in the sense of the management of hospitals and dispensaries, has been assigned by rule to the charge of the Civil Surgeon. In the majority of municipalities of the province there is, it must be admitted, no sort of Public Health Department. The rules contained in Part II-VII and VIII with regard to the employment of Medical Officers of Health and of sanitary inspectors require the entertainment of a Medical Officer of Health in only nine and at least two sanitary inspectors in only seven municipalities and

a minimum of one sanitary inspector in 58 others. Nevertheless, though in other municipalities there may be no definitely organized Health Department, even in such it is desirable that the committee should distinguish its powers and obligations in respect of Public Health from its other duties.

## SECTION 1.—Medical Relief.

149. The rules with regard to Hospitals and Dispensaries are

Restrictions on the independence of committees in connection with hospitals and dispensaries.

contained in Part II—VI Medical. It will be seen that the control exercised by the Inspector-General of Civil Hospitals is considerable. Until recently indeed no new hospital or dispensary could be opened and no existing institu-

tion closed, removed, altered or enlarged without his sanction. These restrictions were however somewhat relaxed at the beginning of 1924 and though the Inspector-General must be consulted in all cases, his sanction is only required when the hospital in question has been or is to be built or maintained wholly or partially with the assistance of a Government grant, and even then his orders have to be submitted for confirmation to Government. Moreover the Inspector-General cannot compel a committee to open a new hospital or close an existing one, and, as has already been pointed out, committees are no longer required to set apart a minimum proportion of their income for purpose of medical relief. On the other hand committees cannot interfere in the actual administration of medical institutions, the management of which is vested by rule 3 (2) of the rules referred to above in the Civil Surgeon, nor have committees any say in the matter of the appointment of either medical officers or hospital servants. The latter are appointed and dismissed by the Civil Surgeon, while medical officers down to the rank of Sub-Assistant Surgeons are posted by the Inspector General of Civil Hospitals. There are, however, few committees which would desire to have any further power of interference in a matter so highly technical as the management of medical institutions, and the power of the purse which they retain should satisfy the most advanced advocates of municipal independence.

Charging of fees for medical relief.

Charging of fees for medical relief from those who can afford to pay, but the income thus obtained is not large and much more might be done not only to make medical relief self-supporting but to obtain the means for the further extension of it which are most urgently required. The following pronouncements of the Government of India and of the Local Government on the subject may be quoted in order to elucidate the principles on which the charging of fees has been advocated:—

"From the evidence at their disposal the Government of

G. of I. (Home Department—Medical) Resolution No. 1211, C-1222C, dated 19th February, 1913.

India are convinced that resort is at present had to the public hospitals by persons who are in a position to pay for such benefits, and they consider that it is only fair to the growing private medical profession that an effort should be made

That these hospitals help greatly to spread to prevent this practice. the popularity of western medicine they have no doubt, but except, perhaps, in the less developed tracts of the country, an appreciation of European methods is already extending, and the efforts of men trained in the Government Colleges and Schools are all helping towards this result. With the exception of the more backward areas it should be possible to avoid the pauperisation of the people in the matter of medical relief, without preventing the treatment at the public expense of the poor who are willing to avail themselves of the opportunities, and, as the figures show, the number of these is yearly increasing. In so far as more funds can be secured from the contributions of those in easier circumstances, the extension of medical aid will be facilitated, and the fear that the refusal of gratuitous treatment to those who cannot be described as indigent will prejudice the progress of western science is apt to be exaggerated. Persons in comfortable circumstances have to be educated up to the recognition of the fact that they have no claim to free medical relief at the cost of the State. The introduction of an efficient system of discrimination must be governed by local conditions; it is mainly a matter of method and supervision, and the efforts which have been made to improve the status of the subordinate establishments should lessen the risk of the harassment of the people at their hands. Moreover, as the people themselves become better educated they should be more capable of protecting themselves. In Madras the limits of income entitling a person to free medicine or otherwise appear to have been fixed by Government, . . . In the Central Provinces the agency of the dispensary committees is made use of either to prepare lists of those who are considered able to pay, according to a scale laid down by the Inspector-General of Civil Hospitals, or to certify as to the suitability of those who can reasonably claim exemption. Another possible method is the requirement of a minimum contribution from a locality before a dispensary is opened in its midst. The immediate treatment of urgent cases in all circumstances can be prescribed without difficulty, but for the rest no hard and fast rules can be framed for adoption everywhere, and the local knowledge of those controlling these institutions must be trusted to devise whatever methods may best suit the particular conditions to be dealt with.

"It is sufficient that the Governor-General in Council should make it known that the principle of discrimination is that towards which all provinces should work. Obviously the most important urban centres, where supervision is strongest and the supply of private practitioners adequate, afford the best opportunity for an early move in this direction, and especially is this the case with reference to private wards in the larger hsopitals. In fact any patient who can afford to pay for separate accommodation should be charged a reasonable sum in addition for

attendance and medicines, and care should be taken not to undersell private nursing homes and c'iemists' shops, or to compete with private medical men. In rural areas progress may be less rapid and it must be adapted to local conditions, but it is the wish of the Government of India that the object to be secured, namely, that persons should not be treated at the public expense who can afford to pay, should be consistently kept in view, and action gradually taken as circumstances permit to attain this end."

"The Lieutenant-Governor again wishes to impress on local bodies the extreme desirability of charging fees in order to prevent unfair competition with independant practitioners, and also to enable them to extend facilities for medical relief. He does not consider it necessary to issue orders making the system compulsory, but efforts for its general introduction should not be relaxed. When so many local bodies have seen their way to adopt it, it is hoped that others will soon follow their example.

"In order to emphasise the importance which Government attaches to the payment of fees by persons who can afford it, orders have been issued to the Inspector-General of Civil Hospitals that he should not ordinarily give any assistance out of the funds placed at his disposal to local bodies which do not charge fees.

"It will be left to the local bodies themselves to fix the fees to be charged, the classes of persons from whom they should be levied, and the method of realisation."

Conditions on which Government provides assistance for opening and equipping new dispensaries

The policy of Government in impressing upon local bodies the desirability of charging fees is further illustrated by the second of the follow-opening ing conditions which have been laid down as conditions on which assistance will be given to local bodies in opening and equipping new

dispensaries :-

- (1) in the case of district boards that the local rate has been raised to the statutory limit;
- (2) that the system of charging fees from the well-to-do for medicines and consultations has been introduced or some arrangement has been made in lieu of it;
- (3) that the local body has budgetted for a reasonable share of the initial cost including any private donations and has made due provision for the recurring charges;
- (4) that the local body has made adequate provision in its budget for medical relief;

- (5) that the proposed hospital or dispensary will not interfere with the working of mission or charitable societies' institutions which in the opinion of the Inspector-General of Civil Hospitals are providing efficient relief. (Vide correspondence published in P. G. Notification No 23247, dated 13th December, 1917).
- Provincialization of municipal hospitals and dispensaries, and the following extracts from the Review of the Annual Municipal Administration .Reports and Returns for the year 1927-28 explain the policy of the Ministry of Local Self-Government in this connection:—
- "10. The majority of municipal committees have found it difficult of late years to provide the necessary funds for the expansion of medical relief and the proper maintenance of their hospitals on upto-date lines. Government have, therefore, embarked on a scheme of provincializing all hospitals at the headquarters of districts and tahsils. This scheme is not meant to relieve local bodies of their legitimate expenditure on medical relief and only the hospitals previously maintained by such local bodies as have agreed to continue to contribute to Government for the up-keep of the hospitals the average of their expenditure thereon for the last two years will be taken over. Government have, however, decided to take immediate steps to bring the accommodation and equipment of such hospitals up to modern standard so that the change should result in immediate improvement in medical relief.
- 11. When they have been relieved of the responsibility of maintaining hospitals for the relief of the sick, it is to be hoped that local bodies will turn their attention to the wide field that lies open before them for work in connection with child welfare and maternity centres. There is scope for much work in these directions in all the towns of the province, and such work is pre-eminently suitable as an out-let for municipal energy and zeal."

# SECTION 2.—Vital Statistics.

The importance of accurate vital statistics in assisting the war against death and disease in which a Health Department is engaged can hardly be over-emphasised. They alone can afford an accurate comprehension of the problems to be solved and can indicate whether progress is being made or the reverse. Under section 188 (c) a committee is empowered by bye-laws to provide for the proper registration of births and deaths, and the model bye-laws issued by the Punjab Government, which are reproduced below, indicate what every committee should require from the public. This is however not sufficient and it should be considered one of the most

important duties of the Health Department to do all in its power to check and correct reports received from the public.

- Model bye-laws under sections 188 (c) and 199 (1) of the Pnjab Municipal Act, 1911, for the Registration of Births and Deaths.
- 1. The municipal committee shall establish one or more registration offices for the registration of births and deaths within the limits of the municipality, and may by public notice prescribe the office at which the reports of births and deaths occurring in specified portions of the municipality are to be made in accordance with these bye-laws, and the officer in charge of any such registration office shall be termed municipal registrar.
- 2. Every report of a birth required to be made under these by elaws shall contain the following particulars which shall be entered in a register to be kept for the purpose by the municipal registrar, that is to say,—
  - (a) the date of the birth;
  - (b) the sex of the child;
  - (c) the name of the father and of the grandfather;
  - (d) the residence of the father;
  - (e) the occupation, caste and religion of the father;
  - (f) the name of the person making the report and the date of his report;
  - (g) the name of the child;
  - (h) the name of the dai or midwife, if any, who attended the mother at the time of the birth:

# Provided that-

- (i) in the case of an illegitimate child, the municipal registrar shall not enter in the register the name of any person as father of the child save at the joint request of the mother and of the person acknowledging himself to be the father, and if any entry of the father's name has been made in accordance with such a joint request, the entry shall be countersigned by the person acknowledging himself to be the father, and if no such joint request is made, the name, residence and caste of the mother shall be entered in place of the name, residence and caste of the father, and in all such cases a note shall be made in the register to the effect that the child is illegitimate;
- (ii) if the name of the child is not known when the report is

made, the person reporting the birth or, if he is dead, the father of the child, or, if the father is dead or the child illegitimate, the mother of the child. or, if both the father and the mother of the child are dead, the person in whose keeping the child is, shall, within three months of the birth, report the name of the child to the municipal registrar.

- 3. (a) Every report of the occurrence of a death required to be made under these bye-laws shall contain the following particulars which shall be entered in a register to be kept for the purpose by the municipal registrar, that is to say:—
  - (a) the date of the death;
  - (b) the name of the deceased;
  - (c) the name of the father, or, if the deceased was a married woman, of the husband of the deceased;
  - (d) the sex of the deceased;
  - (e) the age of the deceased;
  - (f) the occupation, caste and religion of the deceased;
  - (g) the residence of the deceased;
  - (h) the cause of the death;
  - (i) the name of the person making the report and the date of his report.
- (b) In the case of the death of a European, the person reporting the death shall also, if possible, furnish the certificate of a medical practitioner as to the cause of death.
- 4. Any person reporting a birth or death may attest by his signature or mark the entry relating to such birth or death made in the register by the municipal registrar.
- 5. Every report of a birth or death required by these byelaws may be made verbally or in writing.
- 6. The officer in charge of a jail, lock-up, work-house, lunatic asylum, Government or municipal hospital, college or school or any other Government or municipal institution, shall report to the municipal registrar the occurrence of any birth or death within the institution of which he is in charge not later than four days from the date of such occurrence.
- 7. Every person in charge of a private hospital, orphanage, sarai, dharmsala, hotel, lodging-house or other such institution shall report to the municipal registrar the occurrence of any birth or death

within the institution of which he is in charge not later than four days from the date of such occurrence.

- 8. In the case of a birth or death not governed by bye-law 6, a report of its occurrence shall be made within four days to the municipal registrar by the head of the household in which such birth or death has occurred or by an adult member or servant of such household.
- 9. In the case of a birth of which, for any reason, a report cannot be furnished by the head of a household or any adult member or servant of a household, the midwife or dai attending at such birth shall within four days report the occurrence of such birth to the municipal registrar.
- 10. Every medical practitioner who has been in attendance during the last illness of any person dying within municipal limits shall report the death of such person within four days of the date of death to the municipal registrar: provided that if such person has died of any disease which is defined as an infectious disease, or has been notified as an infectious disease by the Local Government under section 3 (7) of the Punjab Municipal Act, 1911, such medical practitioner shall report such death immediately.
- 11. Every customary or other sweeper shall report the occurrence of every birth and death which occurs within the premises in which he works within four days of such occurrence to the Sanitary Inspector of the ward in which such premises are situated: provided that no such report need be made by any sweeper working in any Government or municipal institution in respect of births or deaths occurring in such institutions.
- 12. Every person finding a living new-born child exposed, and every person in whose charge such a child may be placed, shall within eight days of the finding of such child report the fact to the municipal registrar, and shall at the same time to the best of his ability furnish the particulars specified in bye-law 2.
- 13. If a dead body is found exposed the officer in charge of the police station within whose jurisdiction such body is found shall within eight days of the finding of such body report the fact to the municipal registrar, and shall at the same time to the best of his ability furnish the particulars specified in bye-law 3, together if possible with a certificate of the Civil Surgeon as to the cause of death.
- 14. Every person reporting a birth or death under these byelaws shall be given free of charge a copy of the entry made by the municipal registrar in respect of such birth or death.
- 15. Any person may inspect a register of births or deaths on payment of a fee of one rupee and shall be entitled to receive a certi-

fied copy of any entry in a birth or death register on payment of a fee of eight annas: provided that an additional fee of four annas per year may be charged in cases in which insufficient or incorrect information is supplied by an applicant for such copy necessitating a laborious search in the registers.

- 16. No person shall wilfully destroy or injure or cause to be destroyed or injured any register of births or deaths or shall wilfully insert or cause to be inserted in any such register or certified copy thereof any false entry with regard to any birth or death, and no municipal registrar shall, without reasonable cause, refuse or omit to enter in a register of births or deaths any birth or death which has been duly reported to him.
- 17. Any person who commits a breach of bye-law 7, 8, 9, 10, 11, 12 or 16 shall, on conviction by a magistrate, be punishable with fine which may extend to fifty rupees.

Municip lities in which bye-laws for the registration of births and deaths are in force. 154. The following table shows the municipalities in which bye-laws under section 188 (c) are in force:—

Municipality.		Notifications.
Abohar		No. 2056, dated 20th January, 1922.
Alipur	•••	No. 102, dated 6th February, 1891; No. 555, dated 15th October, 1912.
Ambala City	•••	No. 12459, dated 7th May, 1919; No. 17004, dated 20th July, 1925; No. 20751, dated 7th May, 1932.
Amritsar	•••	No. 277, dated 6th June, 1902; No. 451, dated 4th August, 1908.
Baghbanpura-cum-		
Bhogiwal	•••	
Bahadurgarh	•••	No. 620, dated 7th August, 1890; No. 280, dated 20th April, 1906.
Ballabgarh	•••	No. 3594, dated 4th February, 1926; No. 7096, dated 29th February, 1932.
Banga		No. 1091, dated 19th December, 1891.
Batala		No. 11678, dated 29th April, 1919.
Beri		No. 620, dated 7th August, 1890; No. 29644, dated 3rd October, 1931.
Bhakkar		No. 282, dated 5th May, 1890.
Bhera		No. 642, dated 20th July, 1891.
Bhiwani		No. 14509, dated 29th July, 1918; No. 31248, dated 21st October, 1931.
Buriya	•••	No. 406, dated 13th June, 1890; No. 18', dated 20th April, 1906

Municipality.		Notifications.
Campbellpur	•••	No. 1433, dated 12th January, 1923; No.
		28260, dated 16th September, 1931.
Chiniot	• • •	No. 894, dated 10th October, 1891.
Chunian	• • • •	No. 593, dated 1st August, 1890; No. 19879,
		dated 21st July, 1922.
Dajal		No. 32913, dated 8th November, 1926.
Dalhousie		No. 695, dated 14th October, 1913; No. 12584,
		dated 14th June, 1918; No. 32622, dated
		17th October, 1922
Dera Baba Nanak		No. 16108, dated 2nd September, 1918; No.
		36971, dated 8th December, 1931.
Dera Ghazi Khan		No. 638, dated 23rd September, 1916; No.
		24460, dated 24th June, 1932.
Dharmsala		No. 809, dated 25th November, 1886; No.
		1955, dated 18th January, 1924; No. 3801,
		dated 5th February, 1924.
Dinanagar	• • •	17 00000 T T T T T T T T T T T T T T T T
		24549, dated 30th July, 1931.
Dinga		No. 7104, dated 8th March, 1926.
Eminabad		No. 497, dated 8th July, 1890.
Faridabad	٠	No. 25182, dated 5th July, 1932.
Fazilka		No. 15, dated 6th January, 1891; No. 10454,
		dated 6th May, 1918; No. 12478, dated 12th
		June, 1918; No. 24281, dated 21stJune, 1932.
Ferozepore		No. 27712, dated 24th November, 1923; No.
		18922, dated 24th August, 1925; No. 26709,
		dated 25th July, 1932.
Firozpur-Jhirka		No 410, dated 13th June, 1890.
Gohana		No. 620, dated 7th August, 1890; No. 280,
		dated 20th April, 1906.
Gojra		No. 635, dated 23rd September, 1916.
Gujranwala		No. 496, dated 8th July, 1890.
Jujrat		No. 28945, dated 2nd October, 1926; No.
		27574, dated 9th September, 1931; No.
		7600, dated 7th March, 1934.
Gurdaspur		No. 20178, dated 2nd May, 1932.
Hansi		No. 1025, dated 13th January, 1930; No.
1914을 <sup>하다</sup> 되는 것이 되었다. 1915년 1915년 1일 - 1일		15929, dated 2nd June, 1933.
Hazro		No. 19541, dated 21st July, 1933.
Hissar		No. 406, dated 13th June, 1810.
Hodal		No. 410, dated 13th June, 1890.
Hoshiarpur		No. 517, dated 10th August, 1906; No. 5925,
		dated 27th February, 1933.
Isa Khel		No. 48, dated 15th January, 1891.
Jagadhri		No. 299, dated 27th June, 1892; No. 31949,
v 7 <b>0"""††</b>		dated 26th October, 1931.
Jagraon		No. 9023, dated 22nd March, 1927.

Municipality.	Notifications.
Jalalpur Jattan	No. 10176, dated 30th March, 1926; No. 26521, dated 22nd July, 1932.
Jampur	No. 8954, dated 1st April, 1919.
Jandiala	• • • • • • • • • • • • • • • • • • • •
Jhajjar	No. 620, dated 7th August, 1890; No. 280, dated 20th April, 1906.
Jhang-Maghiana	
Jhelum	No. 374, dated 3rd June, 1890; No. 616, dated 31st October, 1904.
Jullundur	No. 19700, dated 9th September, 1919.
Kaithal	
Kalabagh	
Kamalia	
Karnal	No. 33822, dated 16th November, 1926; No. 28459, dated 18th September, 1931; No. 11879, dated 10th April, 1934.
Karor	No. 282, dated 5th May, 1890; No. 554, dated 15th October, 1912.
Kartarpur	3 2 2 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3
Kasur	1 37 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4
Khangarh	
Khem Karan	
Khushab	
Kunjah	No. 11363, dated 11th April, 1927.
Lahore	
Leiah	No. 23420, dated 4th August, 1930.
Ludhiana	No. 17265, dated 27th September, 1918; No. 27365, dated 30th July, 1932.
Lyallpur	1 m
Miani	No. 11603, dated 13th April, 1920.
Mianwali	No. 143, dated 18th March, 1904.
Mithankot	No. 1774, dated 16th January, 1928.
Moga	Dar adder the bade of the take we
Montgomery	No. 631, dated 23rd September, 1916; No. 20963, dated 30th September, 1925; No. 5374, dated 5th February, 1933.

Municipality.		Notifications.
Muktsar		No. 23230, dated 18th December, 1918.
Multan	• • • •	No. 25842, dated 13th August, 1929.
Murree	•••	No. 419, dated 29th August, 1899; No. 28942, dated 24th September, 1931.
Muzaffargarh		No. 19235, dated 4th November, 1918; No. 18836, dated 21st August, 1925; No. 38033, dated 16th December, 1931.
Nakodar		No. 1091, dated 9th December, 1891.
Narowal		No. 37279, dated 14th December, 1926.
Nurmahal		No. 1091, dated 9th December, 1891.
Pakpattan		No. 401, dated 11th June, 1890.
Palwal	•	No. 410, dated 13th June, 1890; No. 22810,
2. (1) 17 (1)		dated 1st September, 1933.
Panipat		No. 24727, dated 10th October, 1922; No.
		11529, dated 8th April, 1926; No. 29343, dated 30th September, 1931.
Pasrur		No. 556, dated 21st July, 1890.
Pathankot	• •	No. 358, dated 2nd June, 1890; No. 14193,
		dated 20th July, 1918
Patti	•••	No. 19362, dated 19th July, 1927; No. 30289,
		dated 10th October, 1931; No. 12633, dated
		16th April, 1934.
Phillaur		No. 53, dated 4th February, 1893.
Pind Dadan Kha	ıı	No. 16680, dated 13th June, 1933.
Pindigheb		No. 52, dated 16th January, 1891; No. 164,
		dated 3rd April, 1902; No. 17696, dated 26th June, 1933.
Raekot		No. 15441, dated 29th May, 1933.
Rahon		No. 19, dated 16th January, 1892.
Rajanpur		No. 56 dated 17th January, 1891.
Rawalpindi		No. 947, dated 20th November, 1890; No.
Tea waipingi		162, dated 3rd April, 1902.
Rewari		No. 25242, dated 6th October, 1933.
Rohtak	е	No. 11909, dated 14th April, 1926; No.
		27576, dated 9th September, 1931.
Rupar	• • •	No. 8, dated 8th January, 1892; Erratum,
		dated 13th April, 1895; No. 273, dated
		20th April, 1906.
Sadhaura		No. 31890, dated 29th October, 1926.
Sahiwal		No. 642, dated 20th July, 1891.
Sargodha		No. 23863, dated 20th August, 1926; No.
		29081, dated 31st August, 1932.
Shahabad		No. 406, dated 13th June, 1890.
Sharakpur		No 593, dated 1st August, 1890.
Shujabad		No. 12406, dated 11th June, 1918; No.
		19993, dated 30th April, 1932.

Municipalit	у.	Notifications.
Sialkot		No. 473, dated 7th January, 1918; No. 24270' dated 9th November, 1925.
Simla	•••	No. 966-S, dated 12th August, 1885; No. 278, dated 20th April, 1906.
Sirsa		No. 1646, dated 19th January, 1927.
Sonepat		No. 406, dated 13th June, 1890.
Thanesar		No. 31888, dated 7th October, 1932.
Urmar-Tanda		No. 21, dated 16th January, 1892.
Wazirabad		No. 497, dated 8th July, 1890.
Zira	•	No. 15, dated 6th January, 1891.

# SECTION 3.—Prevention of Infectious Diseases.

155. Provisions of the Act and of model bye-laws to prevent the spread of infectious diseases.

The provisions of the Act specifically directed towards checking the spread of infectious diseases are contained in sections 141-146. The following table shows briefly the nature of these provisions:-

Section.	Description.				
141	Penalises failure to report forthwith the existence in any dwelling of any infectious disease or the giving of false information in respect thereof, on the part primarily of any medical practitioner cognizant of the existence of the disease in such dwelling, or, in default, of the owner or occupier of such dwelling so cognizant, or, in default of the person in charge of or in attendance on any person suffering from any such disease if so cognizant. (For municipalities excluded from the operation of this section vide Part I, note to section 141).				
142	Power to require the removal of persons suffering from infectious diseases in certain circumstances to an infectious diseases hospital. (For municipalities to which this section has been extended <i>vide</i> Part I, note to section 142).				
143	Power to require the disinfection of any building or article likely to retain infection by the owner or occupier thereof.				

Section.	Description.
144	Penalty for letting any building or part of a building in which any person has been suffering from an infectious disease without having such building and all articles therein likely to retain infection disinfected.
145	Power or, if imposed by the Local Government, obligation to provide places for the disinfection of conveyances, clothing, bedding, etc., which have been exposed to infection, to cause all conveyances, clothing, etc., brought to such places to be disinfected free of charge or subject to such charges as the committee may approve, and to direct the disinfection of any clothing, bedding, etc, likely to retain infection or the destruction thereof on payment of compensation.
146	Penalty for making or offering for sale any article of food or drink for human consumption or any medicine or drug, for touching any such article, medicine or drug when exposed for sale, and for taking part in the business of washing or carrying soiled clothes when suffering from any infectious, contagious or loathsome disorder.
211	Power of entry on premises where any infectious disease is reported or suspected to exist.

These express provisions of the Act can, however, be supplemented very largely by bye-laws, and it will be observed that many of the sets of model bye-laws issued by the Punjab Government contain provisions directed towards checking the spread of infectious diseases, vide para. 169, Milk and butter bye-laws, condition (2) of license: para. 172, Slaughter-house bye-laws, bye-law 16: para. 179, bye-laws for the regulation of Aerated water and Ice factories, bye-law 2: para. 183, Bakery bye-laws, bye-law 3: para. 186, bye-laws for the licensing of premises for the manufacture or preparation for sale of specified articles of food and drink, condition (2) of the license: para. 188, Market bye-laws, bye-law 12: para. 94, bye-laws for the regulation of Hotels, Sarais and Lodging-houses, bye-law 6: para. 116, bye-laws for licensing hired vehicles, by-laws 8 (9), 12 (9 and (14).

Private medical practitioners and section 141 medical practitioner, but in places where there
are such practitioners, it is desirable to secure
their co-operation to the fullest extent. To this end it will be found of

assistance to distribute to all known practitioners printed and stamped skeleton post cards for reporting cases of infectious disease. The following form of card is suggested:—

To the Medical Officer of Health————————————————————————————————————	unicipality
DEAR SIR,	
In compliance with the provisions of section 141 (	a) of the
Punjab Municipal Act, 1911, I beg to report that (name of is suffering from (name of infectious disease) at house	of patient)
is suffering from (name of infectious disease) at house	No. ——
street.	
Yours faithfully,	
(Name of medical practi	tioner).
Date-	

In 1927 the Ministry of Local Self-Government agreed to the introduction of a scheme for subsidizing medical practitioners who reported cases of infectious diseases. Application of the scheme was limited to the municipalities of Lahore and Simla and the Ministry undertook to make grants-in-aid not exceeding rupees three thousand per annum in the one case and rupees five hundred in the other to reimburse the committees concerned on their undertaking to pay a fee of eight annas to any medical practitioner, including hakims and vaids, in respect of each report made to the Medical Officer of Health regarding the occurrence within municipal limits of a case of infectious disease of which he became cognizant in the course of his practice. Grants-in-aid were conditional on the committees observing the instructions reproduced below, and it was provided that no grant should be paid in respect of a report in regard to which a fee had been paid in contravention of the instructions. (P. G. letter No. 9380-H/Sany., dated 25th March 1927).

## INSTRUCTIONS.

"1. Subject to the provisions noted in paragraphs 2, 3 and 4 below, the Municipal Committee of Lahore will pay to any medical practitioner or person openly and constantly practising the medical profession, residing within the municipal limits of Lahore Simla a fee of eight annas for notification to the Medical Officer of Health of any case of any of the diseases listed in the attached schedule occurring within the municipal limits of Lahore Simla in any dwelling other than a public hospital of which he becomes cognisant in the course of his practice.

- "2. The notification must be made on the prescribed form, copies of which can be obtained gratis from the office of the Medical Officer of Health, and must reach the Medical Officer of Health within forty-eight hours of the time when the notifying person becomes cognisant of the existence of the disease.
- "3. Only one fee will be paid in respect of each case and no fee will be paid in respect of a case in respect of which the Medical Officer of Health has already received information.
- "4. In the case of notifications received from practitioners not registered by the Punjab Medical Council payment of the fee will be subject to verification of the diagnosis by the Medical Officer of Health.
- "5. Payment of notification fees will be made by the Medical Officer of Health from his permanent advance, a receipt being obtained by him in each case as required by the Medical Account Code.
- "6. At the close of the year the Medical Officer of Health shall submit to the Director of Public Health a bill for the amount of grant-in-aid claimed, supported by a certificate signed by the Secretary of the committee as to the amount actually expended during the year on fees to medical practitioners."

#### SCHEDULE.

Diseases referred to or notified under the provisions of clause (7) of section 3 of the Punjab Municipal Act, 1911.

- 2. Relapsing fever, puerperal fever, cerebrospinal fever, influenzal, pneumonia or leprosy.
- 3. At the discretion of the municipal committee whooping cough, mumps, amoebic and bacillary dysentry, sprue or hill diarrhea."
- It will be observed that plague is one of the diseases included in the definition of infectious diseases. Plague. The provisions of the Act in respect of this disease are supplemented by the rules made under the Epidemic The following regulations with regard to the Diseases Act. 1897. reporting of plague cases in municipal towns were made under that Act, breaches of the regulations being punishable under section 3 of the Act as an offence under section 188 of the Indian Penal Code. For many years it was thought that these regulations remained permanently in force, but the power conferred by the Act is a power to make temporary regulations only to prevent the outbreak of a dangerous epidemic disease or the spread thereof and regulations made with reference to a particular outbreak must be considered to have lost their force when that outbreak has been dealt with,

Regulations under the Epidemic Diseases Act, 1897, relating to Plague.

# C.—In Municipal Towns.

- (1). Every person shall be responsible for making a special report of every case of or death from plague which occurs in circumstances in which, under the ordinary rules of the municipality relating to the reporting of deaths, he is responsible for reporting any death. Such special report shall be made without delay upon the occurrence of the case or death, and it shall be made at the office of the Health Officer or Medical Officer in charge of plague operations if there is one, and at the municipal office if there is no health officer or no such medical officer.
- (2) Every report received under rule (1) shall be communicated immediately to the president or the vice-president of the municipality or to some member of the municipal committee specially appointed by the District Magistrate to receive reports under these rules.
- (3) Every municipal commissioner in charge of a ward or any local area, every mohalladar, and every servant of the municipal committee not being an enrolled police officer, shall report to the president or vice-president or the member of the municipality, specially appointed by the District Magistrate to receive reports under these rules, the occurrence of all cases of, and deaths from, plague or of excessive mortality among rats coming to his knowledge; and the president, vice president or member shall give immediate information of such report to the health officer or the medical officer in charge of plague operations in the municipality, if there is one. After plague has established itself in the municipality, the president, vice president or member may direct the discontinuance of reports under this rule.
- (4) The health officer or medical officer on receiving a report under rule (1) or rule (3), or when there is no health officer or medical officer, the president, vice-president or member on receiving a report under rule (2) or rule (3), shall send on immediate information of it to the District Magistrate and the Civil Surgeon of the District: after plague has established itself in the municipality, no such information shall be sent on to the District Magistrate if he directs that it need not be sent, and such information may be sent to the Civil Surgeon, if he so directs, periodically instead of immediately. (Punjab Plague Manual, Chapter VI, para. 52).

The following extracts from the Punjab Plague Manual, 1911, may be brought to the notice of municipal commissioners:—

"125. It must of course be recognized that, in the long run, the fight against plague resolves itself into a conflict with insanitary

conditions, and that sanitary reconstruction is really the weapon with which eventually the disease can be successfully fought.

"130. In the larger towns, the possibilities of improving sanitation are greater, and it is such places, where education is more advanced than in villages, that should take the lead and set an example which will do much to educate the people. Municipal committees must be continually impressed with their responsibility in this respect. The demolition of insanitary areas, the opening up of congested quarters, the provision of model dwellings, the necessity for rat-proof materials in house construction are important measures, because they are of value both directly by reducing the rat population and indirectly for their educative effect. The organization of proper conservancy arrangements and prompt removal of all rubbish and garbage from houses and their surroundings are essential. All godowns where grain is stored should be made rat-proof and should be open to periodical inspection."

The method in which measures to combat plague are to be financed has already been noticed (vide page 281).

158. The powers conferred by the Epidemic Diseases Act,
1897, may also be used to deal with epidemics of cholera, and in the summer of 1929 when there was danger of cholera spreading all over the province, the regulations and order reproduced below were made applicable to all districts by the Ministry of Local Self-Government:—

\*Regulations under the Epidemic Diseases Act, 1897, relating to Cholera.

# 1. In these regulations—

- (a) "Inspection post" means any place which may be declared by the Deputy Commissioner, in exercise of the power conferred upon him by Punjab Government (Ministry of Local Self-Government) order No. 16969-Public Health, dated the 4th May, 1929, to be an inspection post;
- (b) "Inspecting medical officer" means a person appointed by the Director of Public Health, Punjab, to be an inspecting medical officer.
- 2. Every inspecting medical officer who is unavoidably prevented from discharging all or any of his functions as such may by order in writing appoint any assistant surgeon or sub-assistant surgeon temporarily to discharge such functions, and every assistant and sub-

<sup>\*</sup>Published with P. G. Notification No. 16972, dated 4th May, 1929.

assistant surgeon so appointed shall, so far as such functions are concerned, be deemed for the purpose of these regulations, to be an inspecting medical officer.

- 3. An inspecting medical officer may at his inspection post direct any person travelling by railway to remain in the carriage in which he is travelling, or to leave the carriage in which he is travelling and come on to the platform or on to the line, and may prohibit any such person from leaving the platform or any other portion of the place of inspection.
- 4. (1) An inspecting medical officer may at his inspection post make a medical inspection and examination of any person travelling by railway or by road in such manner and to such extent as he thinks necessary in order to ascertain whether there is reason to believe or suspect that such person is or may be infected with cholera: provided that such inspection or examination shall not be made in any manner or to any extent to which such person objects.
- (2) An inspecting medical officer may put to any such person any questions he thinks fit in order to ascertain whether there is reason to believe or suspect as aforesaid, and such person shall be bound to answer truly any question so put to him.
- 5. Where, as the result of such inspection or examination or otherwise, the inspecting medical officer considers that there is reason to believe or suspect that any person is or may be infected with cholera, or where any person makes any objection under the provise to clause (1) of regulation 4, the inspecting medical officer may direct that such person be removed to and detained in any isolation camp or hospital established by the Deputy Commissioner in exercise of the power conferred upon him by Punjab Government (Ministry of Local Self-Government) Order No. 16969-Public Health, dated the 4th May, 1929, until the inspecting medical officer or the medical officer in charge of such insolation camp or hospital or the District Medical Officer of Health [\*or the Municipal Medical Officer of Health] certifies in writing that, in his opinion, there is no longer any reason for believing or suspecting such person to be infected as aforesaid.
- 6. Any person in respect to whom a direction has not been given under regulation 5 may apply to the inspecting medical officer to be allowed to attend upon any person in respect to whom such a direction has been given, and the inspecting medical officer shall, except for reasons to be recorded by him in writing, grant such application.
- 7. Any person who has made an application under regulation 6 and whose application has been granted shall be detained in such buildings, tent or other place, whether near the inspection post or elsewhere, as the inspecting medical officer may direct, until the inspecting medical officer or the medical officer in-charge of an isola-

<sup>\*</sup>Inserted by P. G. Notification No. 29557, dated 24th September, 1929.

tion camp or hospital or the District Medical Officer of Health or the Municipal Medical Officer of Health] certifies in writing that, in his opinion, there is no longer any reason for detaining such person.

- 8. No person in respect of whom a direction under regulation 5 or regulation 7 has been given shall leave any isolation camp or hospital in which an inspecting medical officer has directed him to be detained until such inspecting medical officer certifies in writing that, in his opinion, there is no longer any reason for believing or suspecting such person to be infected as aforesaid, or that there is no longer any reason for detaining such person, as the case may be.
- 9. The inspecting medical officer may order the destruction of any article which is or has been in the possession of any person in respect to whom a direction under regulation 5 or regulation 7 has been given, or which is or has been in the possession of any person whom the inspecting officer considers to have been in dangerous proximity to such person:

Provided that compensation may, in the discretion of the officer empowerd by regulation 10 to award the same, be paid for the destruction or injury of any article under this clause.

10. Applications for the payment of compensation under regulation 9 may be made to the District Magistrate, who shall upon receipt of any such application determine by order in writing the amount of such compensation, if any, and such order shall be final.

\*Order under the Epidemic Diseases Act, 1897, relating to cholera.

Whereas the Punjab Government (Ministry of Local Self-Government) are satisfied that all districts in the Punjab are threatened with an outbreak of a dangerous epidemic disease, namely, cholera, and that the ordinary provisions of the law for the time being in force are insufficient to prevent the spread of that disease; now, therefore, the Punjab Government (Ministry of Local Self-Government), in exercise of the power conferred by section 2-A of the Epidemic Diseases Act, 1897, are pleased—

- (1) to empower in regard to their own districts the Deputy Commissioners of all districts in the Punjab, on the request of the Director of Public Health, Punjab, conveyed through any of the Assistant Directors of Public Health—
  - (a) to prohibit the sale or exposure for sale or the import or export of any specified article of food or drink or class of such articles into or from any local area in their respective districts from or into any other local area in such district;



<sup>1.</sup> Inserted by. P. G. Notn. No. 29557, dated 24th September, 1929.

<sup>\*</sup>Order No. 16969, Public Health dated 4th May, 1929, published with P. G. Notification No. 16975, dated 4th May, 1929.

- (b) to order the destruction of any unwholesome article of food or drink;
- (c) to authorize any person to enter into and inspect any market, building, shop, stall or place used for the sale or free distribution of any article of food or drink and to examine any such article which may be therein and to seize, remove, destroy or cause to be disposed of in any manner he thinks fit so as to prevent its being used by human beings, any article of food or drink intended for human consumption and unfit therefor;
- (d) to set apart suitable places for the supply of water for all purposes and to prohibit the use of water from any other source, and to fix the time manner and conditions at, in and on which such supply of water may be obtained;
- (e) to order the closing or disinfecting of any source of water supply and to prohibit the taking of water from any specified source of supply;
- (f) to order the closure of any ice factory or aerated water or mineral water factory;
- (g) to set apart suitable places for the purposes of bathing and to specify the times at which and the sex of the persons by whom such places may be used;
- (h) to set apart suitable places for washing animals and clothes or for any other purpose connected with the health, clean-liness or comfort of the public;
- (i) to prohibit by public notice, bathing generally by persons other than those specified or washing animals or clothes or any other act at places other than those fixed for such purpose;
- (j) to fix places for the encamping of people, picketing of animals and parking of vehicles in the manner directed and to prevent people occupying in any form, lands which it may be necessary to set apart as open spaces for the health and convenience of the public;
- (k) to establish isolation camps, and hospitals and medical inspection posts;
- (1) to order the removal of any person suffering from or suspected to be suffering from cholera to an isolation camp or hospital;

- (m) to fix places for the cremation or burial of dead human bodies or bodies of dead animals;
- (n) to prohibit the holding of any fair in their respective districts;
- (2) to empower the Assistant Directors of Public Health, the Civil Surgeons of districts, [the Municipal Medical Officers of Health,] and the District Medical Officers of Health, and any Magistrate of the first class—
  - (a) to order the destruction of any unwholesome article of food or drink;
  - (b) to order the removal of any person suffering from, or suspected to be suffering from cholera to an isolation camp or hospital;
- (3) to empower the Assistant Directors of Public Health, the Civil Surgeons of districts ['the Municipal Medical Officers of Health], and the District Medical Officers of Health to order the cleansing or disinfecting of any drains, privies or latrines and the removal and disposal of, or the application of suitable disinfectants to, any offensive matter, rubbish, night-soil, manure or filth of any kind;
  - (4) to direct—
  - (a) that any orders issued by the Deputy Commissioner under clause (1) above shall remain in force in respect of any, local area until such local area is officially declared to befree from danger of infection from cholera;
  - (b) that the cost of any measure taken by the Deputy Commissioner, or any Assistant Director of Public Health [Municipal Medical Officer of Health], District Medical Officer of Health, or Magistrate of the first class in exercise of the powers hereby conferred upon them shall be defrayed by the district board or municipal, notified area or town committee in whose jurisdiction such measures are taken and may be recovered by the Accountant-General by deduction from the balance of the fund of the local body concerned in the treasury.
- Malaria. Powers under sections 117, 120 and 131.

  Malaria. Powers under sections 117, 120 and 131.

  Malaria. Powers under sections 117, 120 and 131.

  Malaria. Powers under place three sections which confer powers intended primarily to be exercised with a view to the prevention of malaria. Section 117 confers powers on a committee by notice to require the clearing away and removal of thick vegetation or undergrowth which appears to the committee to be injurious to

<sup>1.</sup> Ins rted by P. G. Notn. No. 29554-P. H., dated 24th September, 1929.

health or offensive to the neighbourhood. The exercise of the power conferred by this section is particularly desirable in the case of irrigated orchards which serve as fruitful breeding places of mosquitoes: the power should also be used to ensure the removal of coarse vegetation which may harbour snakes. The power conferred by section 120 on the Local Government to prohibit the cultivation of any particular crop or the irrigation of land in any specified manner is also usually exercised with a view to remedying conditions favourable to the breeding of mosquitoes. (For cases in which action has taken under section 120, vide Part I, note to section 1:0). Section 131 confers power to require the cleansing, repair, covering, filling up or draining of any private, well, tank, reservoir, pool, depression or excavation, which is injurious to health or offensive to the neighbourhood, and this again is a power to be exercised primarily in order to remove conditions favourable to mosquitoes. The power is often enough exercised to secure the filling up of depressions, but it is not used so often as it might be in order to have wells covered over. Yet from the point of view of checking not only malaria but cholera also, it is desirable to close down as many as possible of the old insanitary wells which are to be found scattered about every town.

Bye-laws for the management of fairs.

Bye-laws for the management of fairs.

Bye-laws for the management of fairs (vide page 187), which are chiefly directed towards the prevention of epidemics—Bye-laws for the conduct of fairs have also been made by some committees under section 188 (v) viz.:—

Municipality.	Notifications.
Ludhiana Muktsar	No. 11305, dated 9th April, 1921. No. 20147, dated 8th August, 1923. No. 22580, dated 6th September, 1922. No. 1475, dated 18th January, 1927.

## SECTION 4.—Vaccination.

161. The procedure, by which the Vaccination Act, 1880, as Procedure for extension amended by the Decentralisation Act, 1914, is of the Vaccination Act, extended to a municipality is laid down in section 3 of the Act. A resolution must be passed by majority of the members of the municipal committee present at a meeting specially convened in this behalf to apply to the Local Government to extend the Act to the municipality. The Local Government may then, if it thinks fit, by notification in the Official Gazette, declared its intention of extending the Act to the municipality in question. Any inhabitant of the municipality may within 6 weeks of the publication of this notification send his objection in writing to

the Local Government, and after consideration of any such objection received the Local Government may by notification effect the proposed extension.

Draft notification to accompany applications for extension of the Act. Applications for the extension of the Act should be accompanied by draft notification in the following form:—

#### NOTIFICATION.

Any inhabitant of the said municipality who objects to such extension may, within 6 weeks of the date of this notification, send his objection in writing to the Secretary to Government, Punjab, (Transferred Departments) and it will be taken into consideration.

Form of notification extending the Act.

Form of notification extending the Act.

Form of notification in this form, no objections have been received or if the objections received are deemed insufficient, a notification in the following form is issued by the Local Government:—

#### Notification.

Rules made under to make rules under section 19 of the Act for the proper enforcement of the Act. Section 19 provide that rules made under the section shall be made in the manner in which, under the law for the time being in force, the Municipal Commissioners make bye-laws for the regulation of other matters within the limits of the municipality. Rules thus made require the onfirmation of the Commissioner. As bye-laws must be made at a special meeting of the committee under section 3 (3) of the Punjab



Municipal Act, 19:1, after previous publication to allow for objections, under section 200 of that Act. the same procedure must be adopted in the case of rules made under the Vaccination Act. When forwarded to the Commissioner for confirmation the rules should be accompanied by a draft notification in the following form :-

#### NOTIFICATION.

No	The fol	lowing	rules	made	by t	the mun	icipal
Form of notification	commit	$tee of_{\underline{}}$			, und	ler secti	on 19
publishing rules.	of the	Vaccinat	ion Ac	et, 1880	, hav	ing been	con-
	firmed	by the	Com	mission	er a	re pub	lished
for information. The	ney will	come	into fo	orce in	a the	munici	pality
of6 we	eks from	the dat	te of th	us notif	icatio	n.	

Standard rules, the reasons for deviation from which were to be explained, were prescribed for Standard rules under adoption by municipal committees in Punjab the Act. Government Circular No. 1687, (Home-Medical and Sanitary), dated 11th September, 1903. Those rules are reproduced below with various small modifications which have since been found necessary:

## Model Rules under the Vaccination Act, 1880.

1. The municipal committee shall from time to time appoint a public vaccine station (or two or more stations as the case may be) 1 for the municipality at such place (or places) as the Medical Officer of Health may in consultation with the committee approve and shall similarly fix the days and hours at which such (or each)' station shall be open, and shall cause to be affixed on the outside of such place (or places), in a conspicuous position, a sign-board (or sign-boards) on which shall be printed in letters easily legible, and in English and vernacular 2 characters, the following inscription:

> Municipal Vaccine Station Open every (day) from (hour) to (hour)

and these stations (when there are more than one) ishall be numbered and known as No. 1, No. 2, No. 3, (and so on respectively).

- 2. For each public vaccine station the municipal committee shall appoint one public vaccinator, and such public vaccinator shall ordinarily wear on the breast a distinguishing badge consisting of a red cross on a white ground.
  - 3. No person shall be appointed a public vaccinator unless:
  - (a) he has passed the Vernacular or Anglo-Vernacular Middle School Examination;

1. The committee should decide before making the rules how many stations

there are to be and draft this rule accordingly.

2. The publication should be made always in English and Urdu, and also in any other local dialects in use, such as Hindi, Gurmukhi, Nagri and Tankri,

- (b) he is certified as medically fit by the Medical Officer of Health or by a registered medical practitioner;
- (c) he has attended a course of instruction in vaccination and elementary hygiene at the Punjab Vaccine Institute and obtained the certificate granted by that institute; and
- (d) he is declared fit for the post by the Medical Officer of Health.
- 4. During the vaccination season the public vaccinator shall be bound to attend at the vaccine station on the days and at the hours fixed for that station, and shall reside in the municipality.
- 5. The lymph to be used in the performance of vaccinations shall be pure lymph obtained from the Punjab Vaccine Institute.
- 6. Persons desirous of procuring the vaccination of their children at their own houses shall intimate the fact to the public vaccinator (or any of the public vaccinators as the case may be) who out of the hours of his public duties shall arrange with the applicant to vaccinate the child and a fee of payable to a public vaccinator who so vaccinates a child (elsewhere than in the circle for which such vaccinator is appointed.<sup>2</sup>
- 7. Persons licensed by the Local Government to act as private vaccinators shall in no case demand a higher fee than one rupee 3 for a single operation, and shall perform their duties under the orders and subject to the general control of the Medical Officer of Health.
- 8. If the result of the first vaccination is a failure the child shall be re-vaccinated, and if this second operation is also a failure, a third attempt shall be made, and if this is also unsuccessful no further attempt need be made.
- 9. Whenever it is ascertained that a child is unfit for vaccination or is insusceptible of successful vaccination, a certificate in Form I attached to these rules shall be granted in the former case to the parent or guardian of such child by the vaccinator, and in the latter in the Form II by the Medical Officer of Health and in like manner, whenever it is ascertained that a child has been successfully vaccinated a certificate shall be granted by the vaccinator to the parent or guardian of the child in Form III attached to these rules.
- 10. The following registers shall be maintained by the municipal committee:
  - (a) a register, to be known as Register A, showing the names of children born within the municipality on and after the date

Fees of rupee 1, 8 annas and 4 annas have been fixed in different places. Or within the limits of the municipal committee if this is preferred. Or 8 annas if rupee 1 is considered to be too much.

- of the application of the Vaccination Act, 1880, to the municipality;
- (b) a register, to be known as Register B, showing the names of unprotected children born in the municipality previous to the date of the application of the Vaccination Act, 1880, and who were at that time under the age of fourteen if boys and of eight years if girls;
- (c) a register, to be known as Register C, showing the names of unprotected boys and girls under the ages of fourteen or eight years respectively, brought within the municipality at any time after the application of the Vaccination Act, 1880, and who reside there for a month or more;
- (d) a register, to be known as Register D, showing the result of each vaccination or its postponement and the delivery of certificates, if any.
- 11. The preparation of Register A shall be effected from the register of births maintained in the municipal office; of Registers B and C from the information to be collected under the orders of the Medical Officer of Health; of Register D from the reports submitted by the vaccinators as hereinafter prescribed.
  - 12. Every public and private vaccinator employed within the municipality shall keep up the following registers:—
  - (a) Register E showing-
    - (i) name, sex, age, parentage, caste and residence of each child vaccinated;
    - (ii) date of operation;
    - (iii) date of inspection after vaccination;
    - (iv) result, whether successful or unsuccessful;
    - (v) date of second operation, if first unsuccessful;
    - (vi) date of inspection after re-vaccination;
    - (vii) result, whether successful or unsuccessful;
    - (viii) date of third operation, if first and second unsuccessful.
  - (b) Register F showing—
    - (i) name, sex, age, parentage, caste and residence of each child produced but found unfit for vaccination;
    - (ii) date of certificate of postponement granted under section 9 of the Vaccination Act, 1880;
    - (iii) date on which the child was presented again for vacci-
    - (iv) date of renewal of postponement certificate, if any;
    - (v) remarks.

Explanation.—If on the child being presented again for vaccination it is found to be in a fit state for that operation, the fact shall be recorded in column 3 of Register F, and an entry of the fact of vaccination when performed shall be made in Register E, a reference to such entry being made in the column of remarks in Register F, opposite the corresponding entry in the latter.

- 13. Every public and private vaccinator shall prepare a monthly report during the vaccination season on the general result of the vaccine operations during that period, and shall submit the report through the Medical Officer of Health to the Secretary of the municipal committee, accompanied by a return showing:—
  - (a) number of boys vaccinated during the month;
  - (b) number of girls vaccinated during the month;
  - (c) results :-
    - (i) number successful;
    - (ii) number unsuccessful;
    - (iii) number insusceptible.

#### FORM I.

--- Municipality.

Vaccination Station.

## Certificate of unfitness for vaccination.

1	, a pul	olic (or lice	nsed, as	the case	may be) vac	ei-
nator do her	eby certify th	at in my	opinion		(name	of
child), the	son (or c)	laughter,	as the	e case	may be)	of
	esident of —		-, is in a	state u	ufit for vac	cci-
nation, and th	at such unfitne	ess will con	tinue di	aring the	whole (or i	f u
part, specify						
		(Sd.)				
Dated					and the first of the state of t	

#### FORM II.

Certificate of insusceptibility of successful vaccination.

I	do hereby	certify that	the son (or	· daughter
as the case may	he) of	, resident	of ———	, has
been three times	unsuccessfully va	ccinated, and	that in my	opinion he
(or she, as the	case may be)	is insusceptibl	e of succes	sful vacci-
nation.				

(Sd.)						
	Med	ical	Office	r of	Hea	ltl

Dated-----

Vaccinator.

### FORM III.

Certificate of successful vaccination.

. I	a public ( $or$ l	icensed, as	the case n	<i>1ay be</i> ) vacci-
nator, do hereby	certify that—	(nan	re of child	), the son $(or$
daughter, as the	$c$ case may $be)  ext{ of}$		resider	nt of——
	was vaccinated by	me on the	day of	in the
vear —	, and that after du	e inspection	I am satis	sfied that the
vaccination has	been successful.			
		, a		
		(Sd.	.)	<del></del>

Municipalities to which the Vaccination Act has been extended.

Dated-

The following statement shows the municipalities to to which Act has which the Vaccination Act has been extended and those in which rules have been made under section 19 of the Act: –

Municipality	7.	Notifications extending the Vaccination Act, 1880.	Notifications publishing rules under the Act.
Abohar .	•••	No. 11053, (Med.), dated 23rd April, 1919.	No. 6370, dated 16th October, 1921.
Alipur .	•••	No. 634, dated 17th September, 1914.	No. 638, dated 21st September, 1914.
Ambala City	•••		No. 77, dated 6th November, 1626; No. 2407b, dated 20th September, 1927.
Amritsar	•••	No. 925, dated 17th December, 1884.	No. 129, dated 29th March, 1887.
Baghbanpura cum-Bhogiv			
Bahadurgarh		No. 169 (M. & S.). dated 24th February, 1909.	No. 834, dated 2nd November, 1909.
Ballabgarh	•••	No. 3550, dated 19th February, 1917.	No. 31, dated 20th August, 1917.
Banga	•••	No. 25178, (Medl.), dated 18th November, 1919.	
Batala	•••		No. 125, dated 6th December, 1927.
Beri	•••	No. 239, dated 22nd May, 1894.	
Bbakkar		No. 16 (Sany3), dated 11th April, 1916.	

Municipality.	Notifications extending the Vaccination Act, 1880.	Notifications publishing rules under the Act.
Bhera	No. 330, dated 3rd April, 1908.	No. 328, dated 20th April, 1910; No. 3-A-I- 296, dated 29th January, 1930,
Bhiwani	No. 16033, dated 31st May, 1927.	•••
Buriya	• • •	
Campbellpur Chiniot	No. 21512, dated 19th November, 1917.	No. 567, dated 17th October, 1929.
Chunian	No. 93 (Sany3), dated 13th October, 1916.	No. 2, dated 10th January, 1920.
Dajal	No. 17932, dated 26th September, 1917.	,
Dalhousie	No. 458, dated 25th October, 1894.	January, 1930.
D. Baba Nanak	No. 24910, dated 6th November, 1920.	1929.
D. Ghazi Khan	No. 89 (Sany3), dated 18th September, 1916.	No. 5, dated 7th February, 1917.
Dharmsala	No. 537, dated 11th November, 1893.	No. 318, dated 15th June, 1896; No. 5774, dated 11th September, 1918; No. 6332, dated 23rd
Dinanagar	No. 104 (Sany3), dated 15th December, 1916.	October, 1526. No. 80, dated 29th March, 1924; No. 70, dated 27th July, 1928.
Dinga	No. 30 (Sany3), dated 24th May, 1916.	No. 31, dated 11th July, 1917; No. 41, dated 13th October, 1917.
Eminabad	No. 26137, dated 8th September, 1930.	
Faridabad	$N_0$ . 21518, dated 1st September, 1920.	ber, 1926.
Fazilka	No. 863, dated 1st November, 1911.	No. 558, dated 28th May, 1912.
Ferozepore	No. 863, dated 1st November, 1911.	No. 5781, dated 2nd September, 1919.
Firozpur-Jhirka	No. 15854, dated 1st July, 1925.	No. 58, dated 28th September, 1926.
Gohana	No. 169 (M. & S.), dated 24th February, 1909.	No. 578, dated 24th June, 1909.
Gojra	No. 33 (Sany4), dated 21st June, 1916.	No. 31, dated 2nd October, 1917.

Municipality.	Notifications extending the Vaccination Act, 1880.	Notifications publishing rules under the Act.
Gunjranwala .	No. 1056, dated 15th July, 1898.	No. 624 (M. & S.), dated 29th June, 1905; No. 67 (M. & S.), dated 24th January, 1911.
Gujrat	No. 1106, dated 31st October, 1900.	No. 774 (M. & S.), dated 6th June, 1901.
Gurdaspur	No 12839, dated 2nd June 1917.	No. 40, dated 12th July, 1918.
Hansi	No. 693 (Sany.), dated 8th January, 1926.	No. 40, dated 25th June, 1926; No. 14750, dated 11th May, 1927.
Hazro	No. 12901, (Sany.), dated 10th April, 1923.	No. 40-A-I-266, dated 23rd April, 1927.
Hissar	No. 24, 27, dated 7th November, 1925.	
Hodal	No. 34484, dated 22nd November, 1926.	No. 61, dated 23rd September, 1929.
Hoshiarpur	No. 9016, dated 22nd March, 1920.	No. 433, dated 19th January, 1921.
Isa Khel	No. 1461, dated 10th December, 1897.	No. 727, dated 8th June, 1899.
Jagadhri	No. 104, dated 7th February, 19'0.	No. 9, dated 6th January, 1911; No. 12501, dated 2nd April, 1929.
Jagraon	No. 12293, dated 23rd May, 1917.	No. 6809, dated 28th October, 1919; No. 8263, dated 24th Decem- ber, 1929.
Jalalpur Jattan	No. 684, dated 27th May, 1904.	No. 1132 (M. & S.), dated 3rd October, 1904.
Jampur	No. 17931, dated 26th September, 1917.	No. 224, dated 3rd January, 1929.
Jandiala	NT 100 (N/ % C) 3-1-3	No 595 detect 7th Tune
Jajjar	24th February, 1909.	No. 525, dated 7th June, 1909.
Jhang-Maghiana		No. 135, dated 20th March, 1894.
Jhelum	No. 324, dated 26th June, 1896.	No. 801, dated 27th April, 1897; No. 105- E-IV-8, dated 1st August, 1926.
Jullundur	No. 433, dated 13th September, 1893.	No. 7342, dated 23rd November, 1921.

Municipality.	Notifications extending the Vaccination Act, 1880.	Notifications publishing rules under the Act.
Kaithal	No 971 (M. & S.), dated 16th December, 1909.	No. 519, dated 18th July, 1910.
Kalabagh	No. 155, dated 12th February, 1912.	No. 157, dated 18th February, 1913.
Kamalia	No. 13461 (Sany.), dated 16th June, 1917.	Nc. 24, dated 13th July, 1918; No. 207, dated 1st November, 1924.
Karnal	No. 248, dated 23rd March, 1914.	No. 2. dated 6th March, 1918.
Karor	No. 18225 (Medl.), dated 22nd October, 1918.	
Kartarpur	No. 17261, dated 26th May, 1928.	No. 593, dated 24th January, 1930.
Kasur	No. 1216 (Sany.) dated 18th January, 1917.	•••
Khangarh	No. 17440, dated 2nd October, 1918.	No. 3, dated 18th January, 1919.
Khem Karan	No. 5211, dated 13th March, 1917.	
Khushab	No. 985, dated 13th December, 1907.	No. 38, dated 21st April, 1909.
Kunjah	No. 31 (Sany3), dated 24th May, 1916.	No. 8, dated l5th April, 1918.
Lahore	No. 570, dated 25th November, 1892.	No. 599 (M. & S.), dated 14th December, 1893.
Leiah	No. 434, dated 4th November, 1895.	1896.
Ludhiana	No. 180, dated 25th February, 1907.	No. 183, dated 25th February, 1907; No. 1353, dated 14th March 1925.
Lyallpur	No. 235, dated 18th March, 1914.	
Miani	No. 645, dated 21st December, 1915.	
Mianwali	No. 1144, dated 5th October, 1904.	No. 159 (M. & S.), dated 21st February, 1905.
Mithankot	No. 17934, dated 26th September, 1917.	No. 552, dated 11th June, 1929.
Moga	No. 14726, dated 30th May, 1919.	No. 759, dated 3rd February, 1921.
Montgomery	NT O1 (C) 9\ J-1-J	No. 69, dated 20th December, 1920.

Municipality	√ <b>.</b>	Notifications extending the Vaccination Act, 1880.	Notifications publishing rules under the Act.
Muktsar		No. 863, dated 1st No-	No. 532, dated 13th May, 1912.
Multan	• • •	vember, 1911.  No. 43, dated 1st February, 1896.	No. 15, dated 3rd May, 1916; No. 63, dated 11th October, 1920.
Murree	•••	No. 314, dated 10th July, 1893.	No. 944 (M. & S.), dated 10th August, 1904.
		No. 936, dated 10th December, 1910.	No. 159, dated 23rd February, 1911.
Nakodar	•••	•••	<u></u>
Narowal	•••	No. 12524, dated 21st April, 1926.	No. 46, dated 14th December, 1926.
Nurmahal	•••		
Pakpattan	•••	No. 20061, dated 2nd November, 1917.	1919.
Palwal	•••	No. 378, dated 15th June, 1915.	ber, 1915.
Panipat	•••	No. 15978, dated 14th August, 1917.	No. 2, dated 6th March, 1918.
Pasrur	•••	No. 5511, dated 20th February, 1920.	No. 47, dated 27th August, 1929.
Pathankot	•••	No. 88 (Sany3), dated 2nd December, 1916.	No. 47, dated 19th September, 1948.
Patti	•••	No. 29407/9, dated 21st December, 1920.	No. 30, dated 17th May, 1929.
Phillaur	•••	No. 6556 (Sany), dated 3rd March, 1924.	
Pind Dadan			
Khan	•••	No. 332, dated 26th June, 1896.	No. 1054, dated 5th July, 1897.
Pindigheb	•••	No. 15320, dated 22nd May, 1926.	No. 26586, dated 18th September, 1928.
Raekot	•••	No. 9022, dated 22nd March, 1920.	No. 30900, dated 31st October, 1928.
Rahon	•••	No. 20569, dated 9th July, 1928.	No. 4917, dated 17th July, 1929.
Rajanpur	•••	No. 17933, dated 26th September, 1917.	
Rawalpindi		No. 387, dated 10th August, 1896.	No. 804 (M. & S.), dated 12th September, 1906.
Rewari		No. 881, dated 16th July, 1904.	No. 190 (M. & S.), dated 28th February, 1905.

Municipality.	Notifications extending the Vaccination Act, 1880.	Notifications publishing rules under the Act.
Rohtak	No. 172, dated 4th April, 1891.	No. 1259 (M. & S.), dated 4th November, 1904; No. 33, dated 20th August, 1921.
Rupar Sadhaura	No. 671, dated 12th June, 1900. No. 12198, dated 17th	No. 1035 (M. & S.), dated 2nd September, 1904.
Sadiladia ···	April, 1926.	•••
Sahiwal	No. 28 (Sany3), dated 22nd May, 1916.	No. 11-A-XII-13, dated 28th September, 1923 (page 19, Gazette, Part 1-B, 1924).
Sargodha	No. 241 (Medl1), dated 9th February, 1916.	No. 5-A-XII-10, dated 6th March, 1923.
Shahabad	No. 5747, dated 23rd February, 1920.	No. 8, dated 7th February, 1922
Sharakpur	No. 84 (Sany3), dated 10th October, 1916.	No. 61, dated 13th August, 1921.
Shujabad	No. 24 (Sany1), dated 24th February, 1916.	No. 25, dated 20th August, 1917.
Sialkot	No. 501, dated 16th June, 1914.	No. 46, dated 23rd August, 1915; No. 63, dated 12th November, 1919.
Simla	No. 486, dated 2rd October, 1887.	
Sirsa	No. 16581, dated 28th August, 1917.	No. 36541, dated 11th December, 1928.
Sonepat	No. 1142, dated 7th November, 1900.	No. 1237 (M. & S.), dated 10th December, 1900.
Thanesar	No. 20432, dated 7th July, 1928.	No. 29, dated 31st May, 1929.
Urmar-Tanda	No. 16600, dated 17th May, 1920.	No. 6404, dated 19th February, 1929.
Wazirabad	No. 246, dated 21st March, 1914.	No. 35, dated 15th June, 1915.
Zira	No. 863, dated 1st Novem-   ber, 1911.	No. 905, dated 28th October, 1912.

# SECTION 5.—Control of Food Supply.

The powers of committees in regard to the control of 167. food supplies are conferred by sections 146, 148, Powers of committees 150, 167, 188 (e) (i) and (ii), 188 (i), 197, 206 with regard to control of and 208. Section 146 aims at preventing the food supply. spread of infection by penalising the handling of articles of food or drink, medicines or drugs by persons suffering from an infectious, contagious or loathsome disorder. The section is one which should not be lost sight of, but as it is not strictly germane to the question of securing the purity of the food supply, no further comment is called for in this place. It is proposed here to take the main articles of food and drink in ordinary use and to examine in respect of each of them the powers and duties of committees.

## A.—MILK, BUTTER AND GHI.

Importance of pure dairy produce.

Importance dairy produce.

India than in most countries, while the importance of having a pure milk supply cannot be over-estimated in a country when the infant mortality rate is so appalling. The action which a committee should take to secure this important end may be considered under the heads:—(a) Control over the origin of supply. (b) Regulation of the conditions under which the supply is made to the public. (c) Supervision of the quality of the article supplied.

# (a) Control over the origin of supply.

One great difficulty with which every committee is faced 169. if it endeavours to control the origin of its Control over origin of milk supply is that so much of the dairy prodairy produce. duce consumed in a town is imported from outside municipal limits and is consequently beyond the committee's jurisdiction. Section 197 (d) of the Act however empowers a committee by bye-law to prohibit the import for sale into (1) Licensing of imthe municipality of milk and butter by persons not licensed by the committee. Such licenses should be granted only to persons who are known to obtain their supplies from a reliable source and should be subject to stringent conditions of the nature specified in bye-law 5 of the model bye-laws which have been approved by the Punjab Government and are reproduced below (vide page 375).

170. When the origin of supply is situated within municipal limits a committee has much greater powers. In the first place section 148 of the Act penalises the feeding of animals kept for dairying purposes on deleterious substances, filth and refuse, and every committee should require frequent inspections to be

made of the food of such animals as are stall-fed, and use its power of prosecution under this section when necessary.

- (3) Licensing of cowhouses.

  (3) Licensing of cowhouses.

  (4) Licensing of cowhouses.

  (5) Licensing of cowhouses.

  (6) Licensing of cowhouses should be kept in clean, well-ventilated premises. This can to some extent be ensured by bye-laws made under section 188 (h) of the Act requiring premises used as cowhouses to be licensed on strict conditions. The following model bye-laws under this section together with directions to be issued to the licensing officer have been approved by the Punjab Government.
- Model bye-laws for the licensing of premises to be used as stables for horses, ponies, mules or oxen kept for hire or for milch-cattle whose milk is sold, under sections 188 (h) and 199 of the Punjab Municipal Act, 1911.
- 1. For the purpose of these bye-laws "stable" shall mean any place where horses, ponies, mules or oxen kept for hire or milch-cattle whose milk is sold are kept.
- 2. No person shall use or permit to be used any premises or part of any premises as a stable unless he has obtained a license for such use from the municipal committee.
- 3. Licenses for the use of any premises or part of any premises as a stable shall be issued to the owner or occupier of such premises by (here insert the designation of the officer authorized to issue licenses. This should be the Medical Officer of Health if there is one) on behalf of the municipal committee in accordance with the directions which from time to time may be issued by the municipal committee, and shall be granted on the following conditions:—
  - (a) The licensee shall not keep or permit to be kept in the licensed premises at any one time any number of animals in excess of the number prescribed in his license or of a description other than that specified in his license.
  - (b) The licensee shall not permit any syce or other person to cook food in the licensed premises or to use them for human habitation: provided that a certain number of attendants to be specified in the license may be permitted to sleep on the licensed premises to prevent accident among the animals.
  - (c) The licensee shall provide in some convenient place a receptacle or receptacles for dung, litter, etc. Such receptacles shall be of such form and of such material as the licensing officer may direct, and shall be of a capacity of not less than 1½ cubic feet for each animal kept on the premises.

- (d) The licensee shall not keep on the licensed premises any litter or dung in such a situation or manner as to pollute or to be likely to pollute any drinking water.
- (e) The licensee shall cause the licensed premises to be cleaned twice daily, before 9 A.M. and in the afternoon before 4 P.M. and to be washed down once every week. All litter, dung, rubbish, etc., must be removed to the receptacles provided in accordance with condition (c) above, and such receptacles shall be cleaned out twice daily: provided that this condition shall not apply in the case of any premises where arrangements have been made to the satisfaction of the licensing officer for daily disposals of litter, dung, etc, by incineration or otherwise.
- (f) The licensee shall, if so required by the Licensing Officer, provide an incinerator for the disposal of litter, rubbish, etc., of a type approved by the Licensing Officer.
- (g) The licensee shall cause all the interior walls of the licensed premises to be lime-washed at least twice yearly and more often if so required by the Licensing Officer.
- (h) The licensee shall cause all bedding to be turned over and exposed to the sun at least once a day and to be entirely changed at least twice a week.
- (i) The licensee shall give every facility to any officer appointed by the committee in this behalf to inspect the licensed premises and the animals kept thereon at any reasonable time.
- (j) The licensee shall inform the Licensing Officer immediately it comes to his knowledge of any outbreak of any infectious disease among the animals kept on the licensed premises, and shall segregate the animals affected pending the orders of the Licensing Officer.
  - (k) In cases when the animals kept on the licensed premises are milch-cattle, the licensee shall cause such animals to be properly washed down at least once a week.
- 4. Licenses granted under rule 3 shall remain in force up to 31st March immediately succeeding the date of issue unless cancelled earlier as hereinafter provided.
- 5. No license issued under rule 3 shall be transferred by the licensee to any other person except by permission of the Licensing Officer:
- 6. Any person who commits any breach of these bye-laws, and any licensee who commits a breach of any of the conditions of his

license, shall be liable on conviction by a magistrate to fine which may extend to Rs. 50, and if the breach be a continuing breach, to a further fine which may extend to Rs. 5 for every day after the first during which the breach continues, and in addition any such licensee shall be liable to have his license cancelled.

Directions for issue by the municipal committee for the guidance of the Licensing Officer in issuing licenses under rule 3 of the bye-laws for licensing premises to be used as stables.

- 1. The Licensing Officer shall issue licenses for the use as stables of only such premises as conform to the following conditions:—
  - (a) That the height of the premises is in no part less than 12 feet measured from the floor to the wall-plate.
  - (b) That the floor of the premises is at least 1 foot above the level of the open space or street on to which they open, is paved with some impervious material, and is sloped away from the heads of the animals to be stabled with a gradient of not less than one in thirty.
  - (c) That the premises are so situated as to admit of their being properly drained directly into a drain or cesspool set apart for the purpose and constructed of some impervious material, and in such a way that the contents are easily removable.
  - (d) That the premises are adequately ventilated and lighted.
  - (e) That there is no opening from the premises likely to permit direct ventilation therefrom into any cooking place or place used for human habitation.
  - (f) In the case of premises to be used for milch-cattle,—
    - (i) that the premises are surrounded by an open space not less than 15 feet wide, and that they are open to such open space on at least two sides;
    - (ii) that there is provided in the open space surrounding the premises a paved space, of an area equal to not less than one-seventh of the floor area of the premises, on which the cattle may be washed down.
- 2. The Licensing Officer shall in every license specify the description and prescribe the number of animals which may be kept in the licensed premises. The number prescribed shall be such that there shall be reserved for each animal a space of not less than 12 feet in length by 6 feet in breadth, such space being exclusive of any manger or any central or side drain.

- 3. If the licensee desires that one or more attendants should be permitted to sleep on the licensed premises to prevent accident among the animals, the Licensing Officer shall enter in the license the number of attendants who may be so permitted, which shall be such that the minimum floor space prescribed for each animal in accordance with rule 3 shall not be encroached upon.
- 4. Only one license shall be granted in respect of any premises, notwithstanding that such premises may be occupied by more than one person.

Municipalities in which bye-laws for the licensing of stables and cow-houses are in force.

172. The following statement shows the municipalities in which bye-laws for the licensing of stables and cow-houses are in force:—

Municipality.	Notifications.
	37 200 3 1010
	No. 695, dated 14th October, 1913.
Fazilka	
Jhelum	No. 15265, dated 25th May, 1933.
Jullundur	No. 25571, dated 11th October, 1933.
Karnal	No. 17, dated 9th January, 1914; No. 715,
	dated 30th November, 1915.
Kasumpti	137 000 1 3 043 70 1 4000 37
	36647, dated 9th December, 1926. (These bye-
	laws were applied by Not. No. 22776, dated
	3rd September, 1927.)
Lahore	the number of the state of the
Tanore	15887, dated 2nd May, 1930.
1 - 11:	
Ludhiana	
Lyallpur	1
Murree	
Rawalpindi	
Simla	No. 610, dated 24th December, 1897; No.
	36647, dated 9th December, 1926.
	Je 공항 다시 보이 되어 되었습니다. 회장 나이어 공항 없었습

# (b).—Regulation of the conditions under which the supply is made to the public.

Control over conditions of supply. Licinsing of premises and of purveyors.

Control over conditions of supply. Licinsing of premises and of purveyors.

Control over conditions the supply of dairy produce is made to the public by requiring both the premises where it is sold or prepared for sale and the persons who sell it to be licensed under bye-laws made under section 197 of the Act. The following model bye-laws

under that section have been approved by the Punjab Government and are recommended for adoption by all municipal committees:—

- Model bye-laws for licensing premises for the manufacture, sale or preparation for sale of milk and butter and for licensing persons to sell or import for sale of milk and butter under sections 197 and 199 (1) of the Punjab Municipal Act, 1911.
- 1. No person shall sell milk or butter within the limits of the municipality or import into the municipality milk or butter for sale except under license granted by the municipal committee in this behalf, and no person shall manufacture, sell or prepare for sale milk or butter except in premises licensed by the committee in this behalf.
- 2. No premises shall be licensed for the manufacture, sale or preparation for sale of milk and butter:
  - (a) unless the floor is made of stone, cement, or other impervious material;
  - (b) unless the walls are properly plastered and limewashed;
  - (c) unless they are provided with adequate light and ventilation to the satisfaction of the Health Officer (or whoever may be appointed the licensing officer);
  - (d) unless they are provided with a drain and the whole floor is so sloped as to allow all liquid to flow off by the drain;
  - (e) if there is any direct communication between the premises and any room used as a sleeping room;
  - (f) if there is any latrine, cess-pool, cow-shed, stable or other place within 100 feet of the premises which in the opinion of the Health Officer renders it undesirable that such premises should be used for the manufacture or preparation for sale of milk and butter;
  - (g) etc., etc. (whatever other requirements the committee may consider desirable in premises that are to be licensed.)
- 3. Subject to the provisions of bye-law 2, licenses for premises for the manufacture or preparation for sale of milk and butter shall be issued by the Health Officer (whoever is appointed licensing officer) in Form A appended to these bye-laws on the application of the owner or occupier of such premises and shall be granted subject to the conditions specified in Form A as the conditions subject to which the license is granted.

- 4. Licenses issued in accordance with by  $\epsilon$ -law 3 shall terminate on the 31st March, immediately succeeding the date of issue.
- 5. Licenses to import milk or butter for sale shall be issued by the Health Officer to any persons applying for them and shall be granted subject to the following conditions:—
  - (1) that the licensee shall not import any milk or any butter made from milk obtained from any animal which he knows or has good reason to believe is suffering from any disease, or from any dairy or other place from which the procuring of milk has under any general or special declaration notified to the licensee been declared dangerous to the public health by the Health Officer (or Civil Surgeon or Assistant Surgeon, as the case may be):
  - (2) that the licensee shall import milk and butter only in clean covered vessels:
  - (3) that the licensee shall not import milk and butter which has been adulterated.
- 6. Licenses to sell milk or butter shall be issued by the Health Officer to persons applying for them and shall be granted on the following conditions:—
  - (1) that the licensee shall not sell any milk or any butter made from milk obtained from any animal which he knows or has good reason to believe to be suffering from any disease, or from any dairy or other place from which the procuring of milk has under any general or special declaration notified to the licensee been declared dangerous to the public health by the Health Officer (or Civil Surgeon or Assistant Surgeon, as the case may be):
  - (2) that the licensee shall keep all milk and butter for sale in clean covered vessels:
  - (3) that the licensee shall not keep any milk or butter for sale in any place or room used for cooking or sleeping:
  - (4) that the licensee shall not dilute or adulterate or cause to be diluted or adulterated any milk or butter intended for sale.
- 7. A person who commits a breach of these bye-laws and any licensee who commits a breach of any condition of a license granted to him under these bye-laws shall on conviction by a Magistrate be punishable with fine which may extend to fifty rupees, and if the breach is a continuing breach with a further fine which may extend to five rupees for every day after the first during which the breach con-

tinues, and in addition any licensee who commits such a breach of any condition of such a license shall be liable to have such license suspended or revoked.

#### FORM A.

License for premises for the manufacture, sale or preparation for sale of milk and butter issued under bye-law 3 of the bye-laws for licensing premises for such manufacture or preparation for sale, published with Punjab Government notification No., dated

The premises of which a description is given in the attached schedule, situated in \_\_\_\_\_\_\_(name of street, ward, etc.,) are hereby licensed for the manufcture, sale or preparation for sale of milk and butter.

(1) that he shall keep the licensed premises structurally fit for the purposes for which the license is granted.

Explanation -" Structural fitness" shall be deemed to include-

- (a) the existence of a floor made of stone, cement, or impervious materials;
- (b) possession of walls, properly plastered and limewashed;
- (c) adequate provision of light and ventilation;
- (d) suitable drains;
- $\left. \begin{array}{l} \text{(e)} \\ \text{(f)} \end{array} \right\} \begin{array}{l} \text{etc., etc. } (according \ to \ the \ initial \ \ requirements \ laid \ down \\ \text{(f)} \end{array} \\ \begin{array}{l} \dots \\ \dots \\ \end{array}$
- (2) that he shall not employ or permit to be employed in the manufacture, sale or preparation for sale of milk and butter any person suffering from any contagious or infectious disease or from loathsome sores or who has recently been attending on any persons so suffering, and that he shall not suffer any such person or any animal to enter or remain upon the licensed premises:
- (3) that he shall keep all vessels, receptacles, utenssils and other things used in the manufacture, sale or preparation for sale of milk and butter in a state of cleanliness and shall protect from dust and flies all materials used in such manufacture or preparation for sale and the articles manufactured or prepared for sale to the satisfaction of the Health Officer (or whoever the licensing officer may be):

- (4) that he shall daily cause to be thoroughly washed and cleansed the floor and drain of the licensed premises and every bench, counter, table, shelf or other place on which the articles manufactured, sold or prepared for sale and any material used in such manufacture, sale or preparation for sale are kept.
- (5) that he shall cause the walls of the licensed premises to be properly limewashed at least twice a year and more often if so required by the Health Officer (or whoever the licensing officer may be):
- (6) that he shall not carry on or permit to be carried on any other trade or occupation in the licensed premises except the manufacture, sale or preparation for sale of milk and butter and that he shall not use or suffer to be used any portion of the licensed premises as a living room or sleeping room:
- (7) that he shall not spit or smoke or suffer any other person to spit or smoke within the licensed premises:
- (8) that he shall not keep or suffer to be kept in the license premises any bedding, soiled clothes, or other things not required for the manufacture, sale or preparation for sale of milk and butter:
- (9) (a) (In the case of municipalities where a pipe water-supply is available) that he shall not use or permit to be used in such manufacture, sale or preparation for sale any water except water obtained from the municipal water-supply laid in direct pipe connection to the licensed premises unless special permission is given by the Health Officer (or whoever the licensing officer may be) for the use of other water:
- (b) (In case where no pipe water-supply is available) that he shall not use or permit to be used in such manufacture, sale or preparation for sale any water except water obtained from a source and conveyed to the licensed premises in a manner approved by the Health Officer (or whoever the licensing officer may be):
- (10) that he shall permit any member or officer of the committee authorised in this behalf at all reasonable times and without notice to inspect the licensed premises.

#### Schedule.

(The actual room or rooms in which the manufacture, sale or preparations for sale of mi!k and butter is to be carried on should be described in cases where the whole of a building is not to be used for such manufacture, sale or preparation for sale.)

Municipalities in which bye-laws under 197 to regulate the sale, etc., of milk and butter are inforce.

174. Bye-laws to regulate the sale of milk and butter have been adopted by the following committees:—

Municipality.	Notifications.
Amritsar	No. 746, dated 24th November, 1916; No. 1916, dated 14th July 1920.
Batala	No. 6341, dated 18th March, 1918; No. 23072, dated 16th December, 1918.
Dalhousie	No. 418, dated 6th July, 1915; No. 36053, dated 15th November, 1932.
Dera Ghazi Khan	No. 29068, dated 18th November, 1922.
	No. 534, dated 16th November, 1903; No. 11365, dated 11th April, 1927.
Dinga	No. 356, dated 9th May, 1913.
	No. 237, dated 5th April, 1915; No. 32630, dated 14th November, 1928; No. 27007
	dated 26th August, 1929.
Gujrat	No. 36, dated 17th January, 1914.
Gurdaspur	No. 3106, dated 25th January, 1928.
110210	. No. 717, dated 30th November, 1915.
o with pure o continue	. No. 246, dated 23rd April, 1914.
0 11010111	No. 120, dated 13th February, 1915.
Jullundur	. No. 10105, dated 14th April, 1919.
Karnal	'No. 6803, dated 11th March, 1919; No. 18867, dated 15th June, 1926.
	No. 593, dated 1st August, 1890; No. 5883, dated 27th February, 1933.
Kunjah	. No. 604, dated 9th November, 1912.
	No. 399, dated 27th June, 1916; No. 1041, dated 14th January, 1918.
Ludhiana	. No. 5172, dated 20th February, 1933.
3.5	. No. 24422, dated 24th September, 1927.
	. No. 15433, dated 11th June, 1919.
* C * T	No. 23229, dated 18th December, 1918; No. 16738, dated 18th June, 1933.
Murree	No. 570, dated 8th December, 1903.
Th. •	. No. 828, dated 19th December, 1913.
T) 1 1	. No. 537, dated 28th July, 1913.
	. No. 41504, dated 23rd December, 1929.
T) I · I·	. No. 17760, dated 7th June, 1920.
n ·	. No. 737, dated 23rd October, 1916.
~	. No. 18039, dated 28th May, 1930.
~• <del>`</del>	No. 369, dated 1st August, 1899; No. 693, dated 22nd November, 1915.



(c) Supervision of the quality of the article supplied.

Section 150 of the Act aims at preventing the adulteration of articles of food or drink by making it an History of Punjab legislation for the pre-vention of the adultera-Punjab offence to sell any article if it is not of the nature, substance or quality of the article tion of food-stuffs. demanded by the purchaser, and section 206 gives power to seize and destroy articles intended, but unfit, for human consumption. These simple provisions are obviously inadequate to prevent adulteration and the Punjab Adulteration of Food Act. 1919, represented an attempt to deal with the matter in a more competent manner. This Act, however, remained a dead-letter. elapsed before any standards of such common articles as ghi, flour, tea. etc, were worked out, and when this essential preliminary had been effected and arrangements had been made for analysing food-stuffs in one or two places, it was realized that the machinery provided by the Act was defective, that the penalties imposable were inadequate and that there were no means of dealing with some of the most pressing problems of adulteration in the Punjab. The question of amending the Act in order to remove these defects was under consideration just at the time when considerable feeling had been aroused by the growing use of vegetable fat substitutes for ghi, and by the publication of the results of an experiment conducted by the Chemical Examiner to Government which appeared to show that an essential vitamin was absent from these substitutes. Much of the feeling aroused in this connection was ill-informed and the value of these pure vegetable substitutes for an article which was becoming more and more expensive and more and more difficult to obtain in an unadulterated form was lost sight of. It became a fixed idea with large sections of the public that these substitutes were positively injurious to health, and great indignation was expressed that a foreign unwholesome product should be taking the place of the pure natural food of the people. While, however, there were no real grounds for indignation on this score, there was undoubtedly cause for dissatisfaction in the wholesale cheating that was going on The substitutes were everywhere being sold as ghee at the much higher prices realizable for the natural product, and for those who were too poor to supplement their diet with other articles of food containing the vitamin absent from the substitutes the matter was of some concern to their health. In 1929 therefore the Punjab Adulteration of Food Act 1919 was repealed and the Punjab Pure Food Act, 1929 (vide Appendix U Part V below) was enacted in its place with the double object on the one hand of making good its deficiencies as a means of preventing the adulteration of foodstuffs in general, and on the other of checking the abuses connected with the sale of ghi substitutes. The new Act was drafted on the model of the New Zealand Food and Drugs Act but most of the special provisions relating to the sale of substitutes for ghi were added in Select Committee. It remains to be seen whether the ample powers now conferred will be used to prevent the wholesale adulteration and contamination of food-stuffs which are at present the rule in the Punjab.

By-laws to regulate the sale of ghi have been adopted by the following Committees:—

Municipality.		Notifications.	
Abohar		No. 25483, dated 11th August, 1930.	
Ambala	•••	No. 26567, dated 26th August, 1931.	
Arifwala	. • • •	No. 21930, dated 23rd June, 1931.	
Banga		No. 25481, dated 11th August, 1930.	
Batala	•••	No. 31572, dated 23rd October, 1931.	
Campbellpur	• • •	No. 6790, dated 25th February, 1932.	
Dalhousie	• • •	No. 27961, dated 14th September, 1931.	
Dera Baba Nanak	• • •	No. 33165, dated 6th November, 1931.	
Dera Ghazi Khan	• • ,• .	No. 39005, dated 10th December, 1932.	
Dharmsala	• • • •	No. 20848, dated 9th May, 1932.	
Dinga	• • •	No 12809, dated 28th April, 1933.	
Eminabad	٠	No. 31268, dated 21st October, 1931.	
Fazilka	• • •	No. 21599, dated 14th May, 1932.	
Ferozepur	• • •	No. 11788, dated 24th April, 1932.	
Gujranwala		No. 8448, dated 10th March, 1932.	
Gujrat		No. 29797, dated 6th October, 1931.	
Gurdaspur		No. 20846, dated 9th May, 1932.	
Hansi		No. 38001, dated 16th December, 1931.	
Hazro	• • •	No. 25479, dated 11th August, 1930.	
Isakhel		No. 24085, dated 23rd April, 1931.	
Jalalpur Jattan		No. 27192, dated 1st August, 1932.	
Jhelum		No. 23835, dated 21st July, 1931.	
Karnal		No. 25968, dated 14th July, 1932.	
Khanewal	• • •	No. 32877, dated 3rd November, 1931.	
Khushab		No. 783, dated 10th January, 1933.	
Mandi-Baha-ud-din		No. 10725, dated 8th April, 1933.	
Moga		No. 27994, dated 14th September, 1931.	
Montgomery		No. 36190, dated 1st December, 1931.	
Muktsár		No. 7391, dated 6th March, 1931.	
Murree	••	No. 19733, dated 15th May, 1931.	
Nur Mahal		No. 26515, dated 25th August, 1931.	
Pak Pattan		No. 11338, dated 1st April, 1932.	
Pani Pat		No. 24103, dated 23rd July, 1931.	
Phillaur		No. 29930, dated 7th October, 1931.	
Pind Dadan Khan		No. 28867, dated 23rd September, 1931.	•
Pindi Gheb	• • •	No. 155, dated 5th January 1933.	
Pasrur		No. 21376, dated 16th June. 1931.	
Pathankot		No. 13796, dated 21st April, 1932.	
Raikot		No. 25623, dated 13th August, 1931.	
Rewari	• •	No. 176?. dated 15th January, 1932.	
Sargodha		No. 27189, dated 1st August, 1932.	
Sialkot		No. 22372, dated 26th May, 1932.	
Wazirabad	•••	No. 27959, dated 14th September, 1931.	
$Z_{ira}$		No 24864, dated 3rd August, 1931.	

#### B.-MEAT.

- 176. The control of the meat supply in a municipality should Power to control be comparatively simple matter. The powers slaughter of animals for conferred by sections 167 and 208 enable a committee to control the slaughter of animals whose flesh is to be sold for food. This is however as much a matter of administrative convenience as of controlling the meat supply, and the actual regulation of slaughter-houses so as to ensure that the slaughter is conducted and the meat prepared under sanitary conditions and that the animals slaughtered are fit for human consumption, must be secured by bye-laws under section 188 (e) (i). The following model bye-laws have been approved by the Punjab Government and are recommended for adoption by all committees:—
- Model Bye-laws for the regulation of municipal slaughter-houses, under sections 188 (e) (i) and 199 (i) of the Punjab Municipal Act, 1911.
- 1. These bye-laws apply only to the slaughter-houses owned and managed by the municipal committee.
- 2. Animals for slaughter shall be brought to the slaughter-house between the hours of 3 and 11 a.m. or such hours as the Medical Officer of Health may from time to time direct, and shall, on arrival, be presented for inspection to the Superintendent of the slaughter-house hereinafter referred to as "the Superintendent."
- 3. The Superintendent may either approve of animals presented as fit for slaughter or reject them as unfit.
- 4. Approved animals shall be at once admitted to the waitingyard of the slaughter-house premises, and presenters of rejected animals shall remove such animals from the neighbourhood of such premises.
- 5. All animals when approved shall be kept in the waiting yard until the owners or persons in charge receive permission to bring them into the slaughter-yard, and no animal shall be slaughtered until the prescribed fees have been paid.
- 6. (1) Receptacles shall be provided upon the slaughtering platform for the receipt of the contents of stomachs and bowels of slaughtered animals, and when slaughtered animals are disembowelled, which shall be as soon as possible after slaughter, the butchers shall cause such contents to be emptied into the receptacles so provided.

- (2) Filled receptacles shall be removed and replaced by fresh empty ones as disembowelling proceeds, this being done by establishment provided for the purpose, and no disembowelling shall occur without there being receptacles ready for the receipt of the contents of stomachs and bowels.
- 7. No person shall rub, or cause to be rubbed, the inner sides of skins upon the ground within any portion of the slaughter-yard, or in the neighbourhood of the slaughter-house premises.
- 8. No person shall knowingly bring into any part of the slaughter-house premises any diseased or unsound cattle or other animals or any dying animals, and no person shall bring any carease inside the slaughter-house premises: provided that animals which may have met with an accident in no way affecting their fitness for human food, may, with the approval of the Superintendent, be brought and slaughtered within the slaughter-house premises.
- 9. No animal which is with young shall be permitted to be slaughtered.
- 10. All carcases shall be inspected by the Superintendent and no carcase shall be removed from the slaughter-house premises until it has been passed as fit for human consumption and, if necessary, branded (or stamped) so as to define its quality, and the superintendent shall cause all carcases or meat, which in his opinion may be unfit for human consumption, to be buried or destroyed.
- 11. Skins, heads, horns and feet of animals shall be removed before the hour appointed for closing the slaughter-house, and no person shall remove any carcase or portion of a carcase from the slaughter-house after the hour fixed for closing the slaughter-house, and any carcase or portion of a carcase remaining within the slaughter-house premises after such hour shall be disposed of as the Superintendent may direct.
- 12. No person shall remove, or cause to be removed, any carcase or meat except in such a way that it is screened from public view.
- 13. No person shall blow or stuff any meat within the slaughter-house premises, and the Superintendent may cause to be buried or destroyed any meat found to be blown or stuffed.
- 14. All carcases or meat ordered to be destroyed in accordance with the provisions of bye-law 10 or bye-law 13, shall be so dealt with as to render it impossible to use such carcases or meat for human food.

- 15. No person shall be permitted to create any disturbance in the slaughter-house premises, and any person transgressing this bye-law may be removed summarily under the direction of the Superintendent.
- 16. No person affected with leprosy, sores, or any other skin disease or any contagious or infectious disease shall enter the slaughter-house premises.
- 17. (a) No person shall bring into the slaughter-house premises any dog or other animal not intended for slaughter or for the slaughter of which the slaughter-house is not provided.
- (b) Any dog or other animal brought into the slaughter-house premises in contravention of clause (a) of this bye-law may be summarily removed under the direction of the Superintendent.
- 18. Any person committing a breach of any of these bye-laws shall, on conviction by a magistrate, be liable to a fine which may amount to fifty rupees.
- 19. Every person using the slaughter-house shall pay fees at the following rates for each animal slaughtered:

As.

Oxen, cows, buffaloes, calves per head. Sheep, goats, lambs and kids

Examination of model

bye-laws.

Employment of Slaughter-house Superintendent.

177. It will be seen that these bye-laws contemplate the existence of a Slaughter-house Superintendent capable of pronouncing what meat is fit for consumption and what animals are fit for slaughter. The smaller municipalities, however, are not likely to

be able to afford to entertain such an official, would they have a regular Medical Officer of Health who could perform the duties assigned to him in the bye-laws. In such cases the

inspection of meat should ordinarily be undertaken by the Assistant Surgeon or Sub-assistant Surgeon in charge of the local hospital or dispensary, within the sphere of whose duties as Health Officers of the towns in which they are stationed this work has been ruled to fall.

Employment of Veterinary Assistants as meatinspectors.

As, however, it is in some cases, desirable to employ the services of the Veterinary Assistant in charge of the local veterinary dispensary in preference to those of the Assistant or Sub-

assistant Surgeon, Government has agreed to allow municipal com

mittees to employ the Veterinary Assistant to inspect meat on the conditions (1) that no Veterinary Assistant who is likely often to be absent from the municipal town shall be so employed, and (2) that the duties of a Veterinary Assistant who is casually absent shall be performed by the Assistant or Sub-assistant Surgeon. however, a committee may employ a Veterinary Assistant in this way, the approval of the head of his department, the Director of Agriculture, must be obtained, and any recommendation made to him through the Commissioner must be accompanied by a statement of the facts which necessitate the employment of the Veterinary Assistant. For his services in the inspection of meat a Veterinary Assistant is entitled to be paid, and a committee applying for his services should state the amount of allowance which it is prepared to give. Should the allowance not exceed Rs. 10 per mensem, it may be sanctioned by the Commissioner, but the sanction of the Local Government must be obtained for the grant of allowances in excess of that sum (vide Punjab Government letters No. 447 (Rev. and Agri.—Genl.), dated 29th April, 1907 and No. 487 (Rev. and Agri.—Genl.), dated 4th May, 1912, and Government of India Department of Revenue and Agriculture Circular No. 4-156—2, dated 17th January, 1911).

178. The model bye-laws also presuppose that there will be a

Waiting-yards to be provided at slaughter-houses.

waiting-yard attached to the slaughter-house, and that once animals have been passed as fit for slaughter they will at once pass into the slaughter-house. In some municipalities exist-

ing bye-laws do not require immediate slaughter of animals passed as fit: in some cases they do not contemplate even that the inspection of animals before slaughter should take place at the slaughter-house premises, and in order that the official in charge of the slaughter-house may know whether animals have been passed, perhaps several days before and at some other place, it is provided that at the time of their passing they shall be branded. This procedure has many obvious objections: an animal fit at the time of inspection may become unfit in the interval before slaughter, while branding is unnecessary and therefore cruel, besides depreciating the value of the hide to a very considerable extent. The provision of a waiting-yard for animals passed for slaughter is essential both in order to segregate them from other animals not yet inspected or rejected as unfit, and in order that waiting animals may not witness the slaughter of other animals.

Arrangements to be made for collection of blood.

179. Every committee should make suitable arrangements for the collection of the blood at its slaughter-house, as it can be sold to blood-boiling contractors for an appreciable

sum.

Municipalities in which bye-laws to regulate slaughter-houses are in force.

The following committees have passed bye-laws for the regulation of slaughter-houses, but ir many cases the bye-laws are crude and inadequate, and the adoption of more up-todate bye-laws on the lines of the model bye-laws approved by the Punjab Government is urgently required:—

Municipality.		Notifications.
Abohar Alipur		No. 16771, dated 16th September, 1918. No. 102, dated 6th February, 1891.
Ambala City		No. 307, dated 20th June, 1893; No. 25837, dated 19th November, 1919; No. 6414, dated 2nd March, 1922; No. 16747, dated 4th June, 1923; No. 12629, dated 17th April, 1934.  No. 18071, dated 1st October, 1917.
Amritsar Bagbanpura-cum- Bhogiwal.	•••	No. 13071, dated 1st October, 1977.
Bahadurgarh	•••	No. 620, dated 7th August, 1890; No. 328, dated 21st June, 1904.
Ballabgarh	•••	No. 406, dated 13th June 1890; No.1138, dated 11th January, 1924.
Banga	•••	37 1001 1 1 2 0 1 20 1
Batala	•••	No. 4671, dated 7th February, 1930; No. 12064, dated 5th April, 1930;
Beri		No. 620, dated 7th August, 1890.
Bhakkar	•••	No. 31681, dated 30th October, 1930; No. 38226, dated 22nd December, 1930; No. 7432, dated 5th March, 1934.
Bhera	•••	No. 642, dated 20th July, 1891; No. 24568, dated 30th July, 1929.
Bhiwani	•••	No. 406, dated 13th June, 1890.
Buriya Campbellpur Chiniot Chunian	•••	No. 406, dated 13th June, 1890, No. 17853, dated 7th June, 1922. No. 894, dated 10th October, 1891. No.593, dated 1st August, 1890.
Dajal	14.	[2] 전 경인시간 [4] (Here N.) (2] (H.) (H.) (H.) (H.) (H.) (H.) (H.) (H.)
Dalhousie	•••	No. 695, dated 14th October, 1913; No. 33547, dated 10th November, 1931.
Dera Baba Nanak	• • •	No. 7236, dated 26th February, 1929.
Dera Ghazi Khan	•••	No. 1634, dated 17th January, 1919; No. 12306, dated 7th April, 1930.
Dharmsala		No. 104, dated 6th February, 1915; No. 333099, dated 28th October, 1929.
Dinanagar		No. 358, dated 2nd June, 1890; No. 33106,

Municipality.	Notifications.
	No. 396, dated 16th May, 1891.
Eminabad .	No. 497, dated 8th July, 1890.
Faridabad	No. 178, dated 17th March, 1916; No. 8579, dated 10th April, 1917.
Fazilka …	No. 15, dated 6th January, 1891; No. 14195, dated 20th July, 1918.
Ferozepore	No. 15, dated 6th January, 1891; No. 32066, dated 7th December, 1927.
Firopur-Jhirka	No. 410, dated 13th June, 1890.
Gohana	No. 620, dated 7th August, 1890; No. 329, dated 21st June, 1904.
Gojra	* * * * * * * * * * * * * * * * * * *
Gujranwala	No. 496, dated 8th July, 1890; No. 27443, dated 24th September, 1928.
Gujrat	No. 396, dated 16th May, 1891; No. 743, dated 22nd December, 1914.
Gurdaspur	No. 358, dated 2nd June, 1890; No. 180, dated 30th March, 1914; No. 28323, dated 8th November,
	1927; No. 36865, dated 7th December, 1931.
Hansi	No. 406, dated 13th June, 1890.
Hazro ···	No. 52, dated 16th January, 1891; No. 809, dated 15th November, 1916.
Hissar	No. 406, dated 13th June, 1890.
	No. 410, dated 13th June, 1890.
	No. 371, dated 3rd June, 1890; No. 645, dated 16th November, 1905; No. 520, dated 8th August, 1910;
Isa Khel	No. 403, dated 8th July, 1914. No. 22420, dated 10th July, 1929; No. 7593, dated 7th March, 1934.
Jagadhri	No. 18988, dated 18th June, 1928.
	No. 371, dated 3rd June, 1890.
Jalalpur Jattan	No. 396, dated 16th May, 1891; No. 481, dated 10th August, 1914.
Jampur	No. 22957, dated 10th December, 1917; No. 3631, dated 8th February, 1933.
Jandiala	요. 사람들의 사람들은 경험을 모르는 이 나는 이렇는 소개를
Jhajjar	No. 620, dated 7th August, 1890; No. 327, dated 21st June, 1904.
Jhang-Maghiana	No. 846, dated 21st September, 1891; No. 677, dated 22nd December, 1896.
Jhelum	No. 374, dated 3rd June, 1890; No. 168, dated 29th March, 1905.
Jullundur	No. 725, dated 3rd November, 1913; No. 27788, dated 31st October, 1933; No. 94, dated 3rd January, 1919
	(jhatka meat); No. 24441, dated 24th January, 1922.

Municipality.	Notifications.
Kaithal	No. 336, dated 22nd May, 1915; No. 19105, dated 17th July, 1933.
Kalabagh	No. 48, dated 15th January, 1891.
Kamalia	No. 401, dated 11th June. 1890.
Karnal	No. 12671, dated 24th April, 1924; No. 10060, dated
	30th March, 1927.
Karor	No. 282, dated 5th May, 1890.
Kartarpur	No. 54, dated 4th February, 1893.
	No. 593, dated 1st August, 1890.
Khanewal	dated 6th December, 1933.
Khangarh	No. 102, dated 6th February, 1891.
Khem Karan	No. 31711, dated 5th December, 1927; No. 86, dated 3rd January, 1928.
Khushab	No. 19099, dated 28th May, 1929.
Kunjah	No. 11363, dated 11th April, 1927.
Lahore	No. 30, dated 17th January, 1914.
	No. 282, dated 5th May, 1890.
Ludhiana	No. 30612, dated 14th October, 1931; No. 36200,
	dated 1st December, 1931; No. 19537, dated 1st
<b>,</b>	July, 1933.
Lyallpur	No. 95, dated 28th February, 1911.
Miani	No. 174, dated 1st April, 1910.
Mianwali	1 2000, 40000
Mithankot	20th September, 1927.
	No. 20090, dated 23rd June, 1930.
Montgomery	No. 21877, dated 10th September, 1920.
montegomery	No. 401, dated 11th June, 1890; No. 530, dated 23rd November, 1895.
Muktsar	NT 00004 7 1 2 10 1 7
Multan	Tio. To Lot, dancer 10th December, 1910.
	No. 20, dated 15th January, 1904,
	No. 19235, dated 4th November, 1918; No. 29066,
	dated 31st August, 1932.
'Nakodar	No. 1091, dated 9th December, 1891.
Narowal	
Nurmahal	No. 1091, dated 9th December, 1891.
Pakpattan	No. 401, dated 11th June, 1890; No. 4238, dated 13th
	February, 1933.
Palwal	No. 6354, dated 7th March, 1919.
Panipat	No. 14250, dated 25th April, 1928; No. 2:061, dated
	14th July, 1928; No. 6387, dated 19th February,
	1929; No. 21958, dated 22nd August, 1933.
Pasrur	No. 556, dated 21st July, 1890.
Pathankot	No. 358, dated 2nd June, 1890; No. 510, dated 15th
	July, 1913; No. 264, dated 2nd May, 1914;
	No. 19052, dated 16th July, 1923.

Municipality.		Notifications.
Patti		
Phillaur		No. 53, dated 4th February, 1893.
Pind Dadan Khan		No. 17859, dated 28th June, 1933.
Pindigheb		No. 52, dated 16th January, 1891; No. 15551,
		dated 19th August, 1918.
Raekot		No. 37!, dated 3rd June, 1890.
Rahon		No. 19, dated 16th January, 1892.
Rajanpur		
Rawalpindi		No. 213, dated 26th April, 1905.
Rewari		No. 25435, dated 3rd November, 1923; No.
		38206, dated 5th December, 1932.
Rohtak	• • • •	No. 620, dated 7th August, 1890; No. 140,
		dated 24th February, 1913; No. 25421, dated
		4th September, 1928.
Rupar		No. 8, dated 8th January, 1892.
Sadhaura	•••	No. 406, dated 13th June, 1890.
Sahiwal	•••	No. 181, dated 10th April, 1911.
Sargodha	• • •	No. 27312, dated 8th December, 1919.
Shahabad	•••	No. 406, dated 13th June, 1890.
Sharakpur	•••	No. 593, dated 1st August, 1890.
Sheikhupura	• • •	No. 34478, dated 22nd November, 1926; No.
O1 • • •		6787, dated 7th March, 1933.
Shujabad	• •	No. 491, dated 5th July, 1890.
Sialkot	•••	No. 728, dated 8th September, 1890; No. 7644,
		dated 14th March, 1922; No. 10683, dated
Q:1_		22nd April 1925.
Simla	•••	No. 120, dated 20th March, 1893; No. 404,
Q		dated 8th August, 1894.
Sirsa	1	No. 406, dated 13th June, 1890.
mı '	• • •	No. 461, dated 17th July, 1916.
		No. 406, dated 13th June, 1890.
Urmar-Tanda	•••	No. 27736, dated 14th December, 1925; No.
Wazirabad		11470, dated 2nd April, 1930.
77'		No. 497, dated 8th July, 1890.
Zira		No. 15, dated 6th January. 1891.

Bye-laws re import of bye-laws the admission into the municipality for sale of the flesh of animals not slaughtered at slaughter-houses maintained or licensed under the Act, and to seize flesh imported in contravention of the bye-laws, must be exercised if the control of the meat supply by means of bye-laws for the regulation of slaughter-houses is not to be nullified. The following model bye-laws under this section have been approved by the Punjab Government:—

Model bye-laws to regulate the import of meat, under sections 188 (i) and 199 (i) of the Punjab Municipal Act, 1911.

1. No person shall import for the purpose of sale within municipal limits the flesh (other than curd or preserved meat) of any cattle, sheep, goat or swine slaughtered at any slaughter-house except\*

the municipal slaughter-house.

a slaughter-house duly licensed by the municipal committee-

2. (i) Any officer or servant of the municipal committee duly authorized in this behalf may seize any flesh of any cattle, sheep, goat or swine imported within municipal limits in contravention of bye-law 1 or which he has reason to believe has been so imported.

(ii) The seizure of any flesh under clause (i) of this bye-law President,

shall at once be reported to the

Vice-president, Secretary, Medical Officer of Health,

who may pass such orders, for its destruction or disposal as he may think fit.

3. Any person who commits a breach of bye-law 1 shall on conviction by a magistrate be punishable with fine which may extend to fifty rupees.

Municipalities in which bye-laws to control the sale and import of meat are in force.

182. The following table shows the municipalities the committees of which have made bye-laws to control the sale of meat and import of meat:—

Municipality.	Number and date of notification publishing bye-laws <i>re</i> sale of meat.	Number and date of notification publishing bye-laws <i>re</i> import of meat.
Abohar Ambala City	No. 18019, dated 30th June, 1933. No. 16116, dated 20th June, 1919; No. 4104, dated 8th February, 1921; No. 5428, dated	
Amritsar	No. 589, dated 10th Octo- ber, 1914; No. 11376.	
Batala	dated 10th April, 1910. No. 13940, dated 23rd April, 1928.	No. 18932, dated 27th
Bhiwani	No. 25425, dated 4th September, 1928.	May, 1929. No, 25425, dated 4th September, 1928.

\*Note.—Each committee adopting these bye-laws must decide for itself to which of these officers to entrust this power; the power should not be given to any officer of a lower status.

Municipality.	Number and date of notification publishing bye-laws re sale of meat.	Number and date of notification publishing bye-laws re import of meat.
Campbellpur	No. 10611, dated 4th	
Dalhousie	April, 1927. No 18, dated 12th Jan- uary, 1915; No. 418,	No. 6 5, dated 14th Octo- ber, 1913; No. 431, dated
D. Baba Nanak	dated 6th July, 1915.  No. 27841, dated 27th September, 1928; No. 27014, dated 26th August, 1929.	7th February, 1934. No. 10754, dated 21st March, 1929.
D. Ghazi Khan	No. 15739, dated 25th May. 1921	No. 638, dated 23rd September, 1916.
Dharmsala	No. 27834, dated 18th September, 1926; No.	No. 104, dated 6th February, 1915; No. 33099,
	23221, dated 16th July, 1929.	dated 28th October, 1929.
Dinanagar	No. 2776, dated 23rd	No. 2775, dated 23rd
Eminabad	January, 1928. No. 13755, dated 21st April, 1931.	January, 1928.
Fazilka	No. 17635, dated 26th June, 1933.	
Ferozepore	No. 39183, dated 3rd December, 1929.	
Gojra	•••	No. 635, dated 23rd September, 1916.
Gujranwala	No. 5842, dated 15th February, 1930.	ii a a a a a a a a a a a a a a a a a a
Gujrat	No. 7059, dated 8th March, 1920.	
Gurdaspur	No. 18886, dated 13th July, 1921; No. 29340,	
	dated 18th October, 1928.	
Hansi	No. 27169, dated 26th October, 1933.	
Hazro	No. 809, dated 15th November, 1916.	No. 809, dated 15th November, 1916.
Hoshiarpur	No. 403, dated 8th July, 1914.	
Isakhel	No. 25521, dated 1st September, 1930.	No. 25521. dated 1st September, 1930.
Jagadhri	No. 13340, dated 14th April, 1930.	No. 11877, dated 3rd April, 1928.
Jagraon	F-77	No. 23515, dated 14th September, 1927.

Municipali	ty.	Number and date of notification publishing bye-laws re sale of mean	Number and date of notification publishing byelaws re import of meat.
Jagraon	•	No. 22592, dated 30th	h
Jhelum		218	
Jullundur	•••	May, 1925. No. 725, dated 3rd No	March, 1933.
		vember, 1913; No. 643 dated 27th October 1915.	.   Vember 1012
Kaithal	••	No. 739, dated 14th November, 1910.	
Karnal	••	No. 581, dated 14th Octo- ber, 1911; No. 1972, dated 21st January,	
Lahore		1933.	•••
		No. 892, dated 14th December, 1909; No. 22958, dated 4th Au-	
Ludhiana	•••	gust, 1928.	No. 17174, dated 14th
Lyallpur		No. 181, dated 22nd	June, 1933.
Mianwali		April, 1912. No. 14345, dated 30th April, 1923.	1912.
Moga	•••	April, 1925.	No. 30099, dated 2nd De-
Montgomery	•••	No. 7303, dated 9th	cember, 1921.
$\mathbf{M}$ uktsar	•••	March, 1926. No. 903, dated 10th Jan-	
Multan	•••	uary, 1921.	No. 325, dated 13th May,
Murree	•••	No. 11418, dated 9th	1915. No. 20, dated 15th Jan-
		April, 1933.	uary, 1904.
Muzaffargarh	•••		No. 19235, dated 4th No-
Pakpattan	•••		vember, 1918. No. 4239, dated 13th Feb-
Panipat	]	No. 12276, dated 5th May, 1919.	ruary, 1933. 
Pasrur .	• ]	No. 1083, dated 12th January, 1931.	•••

Municipality.	Number and date of notification publishing bye-laws <i>re</i> sale of meat.	Number and date of notification publishing byelaws re import of meat.
Pathankot	No. 510, dated 15th July, 1913; No. 264, dated 2nd May, 1914; No. 19052, dated 16th July, 1923.	
Phillaur	No. 11411, dated 9th	
Pind Dadan Khan	April, 1933. No. 18072, dated 1st July, 1933.	N. 084 1 1484 T
Pindigheb	•••	No. 354, dated 15th June, 1914.
Rahon	No. 41504, dated 23rd December, 1929.	
Rawalpindi	No. 213, dated 26th April, 1905; No. 6093, dated 5th March, 1919; No. 17771, dated 16th June, 1922; No. 5626, dated 21st February, 1924.	
Rohtak	No. 11993, dated 22nd April, 1933.	No. 140, dated 24th February, 1913.
Rupar		No. 12625, dated 15th   June, 1918.
Sargodha	No. 1380, dated 14th January, 1931.	No. 41506, dated 23rd December, 1929.
Shujabad	No. 2202?, dated 19th October, 1925; No. 22813, dated 26th October, 1925.	
Sialkot	No. 12861, dated 2nd June, 1917.	
Simla	No. 463, dated 24th September, 1903; No. 171, dated 14th March, 1916.	
Sonepat	No.16439, dated 9th June, 1933.	No. 461, dated 17th July, 1916.
Wazirabad	No. 27496, dated 8th September, 1931.	
Zira	No. 4879, dated 15th February, 1927.	

## C.—Aerated-water and Ice.

Model bye-laws to regulate aerated water and ice factories.

The preparation for sale and sale of aerated-water and ice may be controlled by bye-laws under section 179 the same way as the preparation of any other specified article of food or drink, or under section 188 (e) (i) providing for the inspection and proper regulation of aerated water and ice factories. The following model bye-laws under the latter section have been approved by the Punjab Government:—

Model bye-laws under sections 188 (e) (i) and 199 of the Punjab Municipal Act, 1911, for the inspection and proper regulation of aerated water and ice factories.

- - (a) (in places where there is a municipal supply) from the municipal water-supply laid in direct pipe-connection to such factory, unless special permission is given by the Medical Officer of Health for the use of other water;
  - (b) (in places where there is no municipal supply) from a source and conveyed to such factory in a manner approved by the Medical Officer of Health.
- 2. No owner or person in charge of an aerated-water or ice factory shall employ or permit to be employed in such factory any person suffering from any contagious or infectious disease or from loathsome sores or who has recently been attending on any person so suffering, nor shall he permit any such person or any animal to enter or remain in such factory.
- 3. Every person in charge of an aerated water or ice factory shall keep such factory and all vessels, receptacles, utensils and other things in which the products of the factory or the materials used in making them are kept in a state of thorough cleanliness.
- 4. Every owner or person in charge of such a factory shall permit the Medical Officer of Health and any member or other officer of the committee appointed in this behalf to inspect such factory at all reasonable times.
- 5. Any person who commits a breach of any of these bye-laws shall, on conviction by a magistrate, be punishable with fine which may extend to rupees fifty, and if the breach is a continuing breach, with a further fine which may amount to five rupees for every day after the first during which the breach continues.

Municipalities in which bye-laws to regulate aerated water and ice factories are in force. 184. The following committees have adopted bye-laws for the regulation of aerated water and ice factories under section 88 (e) (i):—

Municipality.		Notifications.	
		AERATED WATER.	
Ambala City		No. 23376, dated 3rd November, 1919.	
Amritsar		No. 13949, dated 27th June, 1917.	
Banga		No. 4005, dated 10th February, 1933.	
Batala		No. 20927, dated 25th June. 1929.	
Dalhousie	•••	No. 695, dated 14th October, 1913; No. 6731, dated 6th March, 1933.	
Dera Ghazi Khan			
Dinga Dinga	• • • •	No. 1633, dated 17th January, 1919. No. 28019, dated 3rd October, 1930.	
Fazilka	• • •	No. 25936, dated 14th August, 1929.	
Ferozepore		No. 15352, dated 14th August, 1918.	
Gojra	• • • •	No. 35180, dated 5th October, 1933.	
Gujrat	• • • •	No. 7059, dated 8th March, 1920.	
Gurdaspur	• • • •	No. 16916, dated 13th June, 1927.	
Hazro	• • • •	No. 28274, dated 16th September, 1931.	
Hoshiarpur		No. 17405, dated 20th June, 1921; No. 15316,	
Trosmar pur	•••	dated 22nd May 1926.	
Isa Khel			
Jagraon	•••	No. 20546, dated 17th June, 1929.	
Jalalpur Jattan	• • •	No. 23501, dated 14th September, 1927.	
ommibar oacoan	•••	No. 26515, dated 11th September, 1930; No.	
Jampur		20021, dated 30th April, 1932.	
Jhelum		No. 28450, dated 20th August, 1932.	
Jullundur	•••	No. 815, dated 16th November, 1909.	
oundida	• • •	No. 26148, dated 25th October, 1921; No.	
Karnal		26897, dated 24th October, 1933.	
Kasur	•••	No. 23766, dated 14th September, 1933.	
Khangarh	•••	No. 25938, dated 14th August, 1929.	
Khangari Khushab	•••	No. 5726, dated 19th February, 1934.	
Lahore	•••	No. 23933, dated 17th September, 1927.	
Damole	•••	No. 1039, dated 14th January, 1918; No.	
Ludhiana		23742, dated 14th June, 1932.	
Lyallpur	•••	No. 1367, dated 16th January, 1933.	
	•••	No. 20528, dated 5th May, 1932.	
Mianwali Maga	•••	No. 3388, dated 30th January, 1934.	
Moga Montgomore	***	No. 15743, dated 25th May, 1921.	
Montgomery Muletage	•••	No. 26233, dated 19th November, 1920.	
Muktsar	•••	No. 23228, dated 18th December, 1918.	
Murree	•••	No. 25206, dated 1st November, 1923.	
Muzaffargarh	•••	No. 19235, dated 4th November, 1918.	
Panipat		No. 484, dated 6th January, 1928.	

Municipality.		Notifications.
Patti Phillour Pind Dadan Khan Rawalpindi	0.00	No. 26692, dated 18th September, 1928. No. 10731, dated 8th April, 1933. No. 16491, dated 10th June, 1933. No. 5556, dated 20th Febuary, 1920; No. 4523, dated 12th February, 1924; No. 16565, dated 13th July, 1925.
Rohtak Sargodha Sialkot Simla		No. 16340, dated 12th May, 1928. No. 41508, dated 23rd December, 1929. Nos. 22882 and 22882½, dated 8th December, 1917; No. 3273, dated 12th February, 1918. No. 371, dated 20th July, 1905.
		Ice.
Ambala City Amritsar Batala Banga Dalhousie Dinga Fazilka Ferozepore Gurdaspur Hazro Hoshiarpur Isa Khel Jagraon Jalalpur Jattan Jullundur		No. 23376, dated 3rd November, 1919. No. 13949, dated 27th June, 1917. No. 20927, dated 25th June, 1929. No. 4005, dated 10th February, 1933. No. 6731, dated 6th March, 1933. No. 28019, dated 3rd October, 1920. No. 25936, dated 14th August, 1929. No. 15352, dated 14th August, 1918. No. 16916, dated 13th June, 1927. No. 28274, dated 16th September, 1931. No. 17405, dated 20th June, 1921. No. 20546, dated 17th June, 1929. No. 23501, dated 14th September, 1930. No. 26148, dated 25th October, 1931. No. 2697, dated 24th October, 1933. No. 25938 dated 14th August, 1929.
Kasur Khangarh Lahore Ludhiana Lyallpur Mianwali Moga Montgomery Muzaffargarh Panipat Pind Dadan Khan Rawalpindi Rohtak Sargodha Sialkot		No. 25938, dated 14th August, 1929. No. 5726, dated 19th February, 1934. No. 1039, dated 14th January, 1918. No. 1367, dated 16th January, 1933. No. 20528, dated 5th May, 1932. No. 3388, dated 30th January, 1934. No. 15743, dated 25th May, 1921. No. 16233, dated 19th November, 1920. No. 19235, dated 4th November, 1918. No. 484, dated 6th January, 1928. No. 16491, dated 10th June, 1933. No. 5556, dated 20th February, 1920; No. 4523, dated 12th February, 1924. No. 16340, dated 12th May, 1928. No. 41508, dated 23rd December, 1929. Nos. 22882 and 22882½, dated 8th December, 1917; No. 3273, dated 12th February, 1918.

## D.—FRUIT AND VEGETABLES.

Control of sale of fruit applicable with regard to meat is applicable with regard to fruit and vegetables. Since the Act has been amended committees can require places for their sale to be licensed and can also control the sale by general bye-laws for the proper regulation of markets. They should also freely exercise the power of seizure and destruction of rotten fruit and vegetables unfit for human consumption which is conferred by section 206.

Municipalities in which bye-laws to control the sale of fruits and vegetables are in force. 186. The following committees have made bye-laws with regard to the sale of fruits and vegetables:—

Montgomery        No. 1782, dated 16th January, 1931.         Muktsar        No. 19837, dated 30th June, 1928; No. 19224 dated 12th June, 1930.         Multan        No. 36941, dated 8th December, 1931.         Narowal        No. 13662, dated 23rd August, 1926.         Pasrur        No. 25213, dated 17th November, 1925; No.	Municipality.		Notification.
No. 29063, dated 31st August, 1932.	Abohar		No. 18924 dated 27th May 1999
Dera Baba Nanak   No. 89, dated 29th January, 1913.		•••	
Fazilka Gojra Gojra Gujranwala Gurdaspur   Mo. 19198, dated 20th June, 1928.  Mo. 4007, dated 10th February, 1933.  No. 517, dated 30th June, 1909; No. 32152 dated 22nd October, 1929.  Mo. 24321, dated 27th July, 1931.  No. 26513, dated 25th August, 1931.  No. 22893, dated 8th September, 1922; No. 20460, dated 2nd September, 1924; No. 70 dated 2nd January, 1934.  No. 16098, dated 6th June, 1933.  No. 4866, dated 15th February, 1910.  No. 101, dated 18th February, 1910.  No. 25878, dated 14th October, 1933.  Khushab  Lahore  Lyallpur  Mianwali  Moga   Montgomery  Montgomery  Muktsar  Montgomery  Muktsar  Montgomery  Muktsar  Montgomery  Muktsar   No. 13662, dated 23rd August, 1926.  No. 25213, dated 17th November, 1925; No. 25213, dated 25th August, 1926.			
Gojra Gujranwala Gurdaspur  No. 19198, dated 20th June, 1928.  No. 4007, dated 10th February, 1933.  No. 517, dated 30th June, 1909; No. 32152 dated 22nd October, 1929.  Hazro  Hoshiarpur  Jagraon  No. 26513, dated 25th August, 1931.  No. 26513, dated 25th August, 1931.  No. 22893, dated 8th September, 1922; No. 20460, dated 2nd September, 1924; No. 70 dated 2nd January, 1934.  No. 16098, dated 6th June, 1933.  No. 4866, dated 15th February, 1927.  No. 101, dated 18th February, 1910.  No. 25878, dated 14th October, 1938.  No. 6275, dated 21st February, 1928.  No. 26322, dated 20th November, 1920.  No. 300, dated 1st May, 1915.  Mianwali  Moga  No. 17961, dated 2nd August, 1919; No. 32772 dated 3rd November, 1931; No. 30475, dated 13th October, 1931.  No. 1782, dated 16th January, 1931.  No. 19837, dated 30th June, 1928; No. 19224 dated 12th June, 1930.  Multan  No. 36941, dated 8th December, 1931.  No. 13662, dated 23rd August, 1926. Pasrur  No. 25213, dated 17th November, 1925; No.			
Gujranwala        No. 4007, dated 10th February, 1933.         Gurdaspur        No. 517, dated 30th June, 1909; No. 32152 dated 22nd October, 1929.         Hazro        No. 24321, dated 27th July, 1931.         Hoshiarpur        No. 26513, dated 25th August, 1931.         Jagraon        No. 22893, dated 8th September, 1922; No. 20460, dated 2nd September, 1924; No. 70 dated 2nd January, 1934.         Jalalpur Jattan        No. 16098, dated 6th June, 1933.         Jhelum        No. 16098, dated 6th June, 1933.         Jullundur        No. 101, dated 18th February, 1927.         No. 101, dated 18th February, 1910.       No. 25878, dated 14th October, 1938.         Khushab        No. 6275, dated 21st February, 1928.         Lahore        No. 26322, dated 20th November, 19.0.         Lyallpur        No. 300, dated 1sth November, 1932.         Moga        No. 36455, dated 18th November, 1932.         Moga        No. 17961, dated 2nd August, 1919; No. 32772 dated 3rd November, 1931; No. 30475, dated 13th October, 1931.         Montgomery        No. 1782, dated 16th January, 1931.         Multan        No. 36941, dated 8th December, 1925; No. 19224 dated 12th June, 1930.			
Gurdaspur    No. 517, dated 30th June, 1909; No. 32152 dated 22nd October, 1929.			
dated 22nd October, 1929.			
Hazro Hoshiarpur Jagraon  No. 24321, dated 27th July, 1931. No. 26513, dated 25th August, 1931. No. 22893, dated 8th September, 1922; No. 20460, dated 2nd September, 1924; No. 70 dated 2nd January, 1934. No. 16098, dated 6th June, 1933. No. 4866, dated 15th February, 1927. No. 101, dated 18th February, 1910. No. 25878, dated 14th October, 1933. Khushab Lahore Lahore Lyallpur Mianwali No. 36455, dated 21st February, 1928. No. 36455, dated 18th November, 1932. No. 17961, dated 2nd August, 1919; No. 32772 dated 3rd November, 1931; No. 30475, dated 13th October, 1931. No. 1782, dated 16th January, 1931. Montgomery Muktsar  Multan No. 36941, dated 8th December, 1931. No. 13662, dated 23rd August, 1926. Pasrur  No. 25213, dated 17th November, 1925; No.	autopur		
Hoshiarpur	Hazro		
No. 22893, dated 8th September, 1922; No. 20460, dated 2nd September, 1924; No. 70 dated 2nd January, 1934.			
20460, dated 2nd September, 1924; No. 70   dated 2nd January, 1934.     Jalalpur Jattan		••••	
dated 2nd January, 1934.     Jalalpur Jattan   Jhang-Maghiana   Jhang-Maghiana   Jhang-Maghiana   Jhang-Maghiana   Jhang-Maghiana   Jullundur   No. 4866, dated 15th February, 1927.     Jullundur   Jullundur   No. 25878, dated 14th October, 1932.     Khushab   No. 6275, dated 21st February, 1928.     Lahore   No. 26322, dated 20th November, 1920.     No. 300, dated 1st May, 1915.     Mianwali   No. 36455, dated 18th November, 1932.     Montgomery   No. 17961, dated 2nd August, 1919; No. 32772     dated 3rd November, 1931; No. 30475, dated 13th October, 1931.     Montgomery   No. 1782, dated 16th January, 1931.     Muktsar   No. 19837, dated 30th June, 1928; No. 19224     dated 12th June, 1930.     No. 36941, dated 8th December, 1931.     No. 13662, dated 23rd August, 1926.     No. 25213, dated 17th November, 1925; No.	3 48 440 11	•••	
Jalalpur Jattan        No. 16098, dated 6th June, 1933.         Jhang-Maghiana        No. 4866, dated 15th February, 1927.         Jhelum        No. 101, dated 18th February, 1910.         Jullundur        No. 25878, dated 14th October, 1932.         Khushab        No. 6275, dated 21st February, 1928.         Lahore        No. 26322, dated 20th November, 1910.         Myallpur        No. 300, dated 1st May, 1915.         Mianwali        No. 36455, dated 18th November, 1932.         Moga        No. 17961, dated 2nd August, 1919; No. 32772         dated 3rd November, 1931;       No. 30475, dated 13th October, 1931.         Multan        No. 1782, dated 30th June, 1928; No. 19224         dated 12th June, 1930.       No. 36941, dated 8th December, 1931.         No. 13662, dated 23rd August, 1926.       No. 25213, dated 17th November, 1925; No.			
Jhang-Maghiana        No. 4866, dated 15th February, 1927.         Jhelum        No. 101, dated 18th February, 1910.         Jullundur        No. 25878, dated 14th October, 1932.         Khushab        No. 6275, dated 21st February, 1928.         Lahore        No. 26322, dated 20th November, 19-0.         Lyallpur        No. 300, dated 1st May, 1915.         Mianwali        No. 36455, dated 18th November, 1932.         Moga        No. 17961, dated 2nd August, 1919; No. 32772         dated 3rd November, 1931; No. 30475, dated       13th October, 1931.         Multan        No. 1782, dated 30th June, 1928; No. 19224         dated 12th June, 1930.       No. 36941, dated 8th December, 1931.         No. 36941, dated 8th December, 1931.       No. 13662, dated 23rd August, 1926.         Pasrur        No. 25213, dated 17th November, 1925; No.	Jalalnur Jattan	3.7.7	
Jhelum        No. 101, dated 18th February, 1910.         Jullundur        No. 25878, dated 14th October, 1932.         Khushab        No. 6275, dated 21st February, 1928.         Lahore        No. 26322, dated 20th November, 1910.         Lyallpur        No. 300, dated 1st May, 1915.         Mianwali        No. 36455, dated 18th November, 1932.         Moga        No. 17961, dated 2nd August, 1919; No. 32772         dated 3rd November, 1931; No. 30475, dated       13th October, 1931.         Multan        No. 1782, dated 16th January, 1931.         Multan        No. 36941, dated 8th December, 1931.         No. 13662, dated 23rd August, 1926.       No. 25213, dated 17th November, 1925; No.			
Jullundur        No. 25878, dated 14th October, 1932.         Khushab        No. 6275, dated 21st February, 1928.         Lahore        No. 26322, dated 20th November, 1910.         Lyallpur        No. 300, dated 1st May, 1915.         Mianwali        No. 36455, dated 18th November, 1932.         Moga        No. 17961, dated 2nd August, 1919; No. 32772 dated 3rd November, 1931; No. 30475, dated 13th October, 1931.         Montgomery        No. 1782, dated 16th January, 1931.         Muktsar        No. 19837, dated 30th June, 1928; No. 19224 dated 12th June, 1930.         Multan        No. 36941, dated 8th December, 1931.         Narowal        No. 13662, dated 23rd August, 1926.         Pasrur        No. 25213, dated 17th November, 1925; No.			
Khushab        No. 6275, dated 21st February, 1928.         Lahore        No. 26322, dated 20th November, 1910.         Lyallpur        No. 300, dated 1st May, 1915.         Mianwali        No. 36455, dated 18th November, 1932.         Moga        No. 17961, dated 2nd August, 1919; No. 32772 dated 3rd November, 1931; No. 30475, dated 13th October, 1931.         Montgomery        No. 1782, dated 16th January, 1931.         Muktsar        No. 19837, dated 30th June, 1928; No. 19224 dated 12th June, 1930.         Multan        No. 36941, dated 8th December, 1931.         Narowal        No. 13662, dated 23rd August, 1926.         Pasrur        No. 25213, dated 17th November, 1925; No.			
Lahore Lyallpur Mianwali Mo. 36322, dated 20th November, 19.0. No. 300, dated 1st May, 1915. Mo. 30455, dated 18th November, 1932. No. 17961, dated 2nd August, 1919; No. 32772 dated 3rd November, 1931; No. 30475, dated 13th October, 1931. No. 1782, dated 16th January, 1931. No. 19837, dated 30th June, 1928; No. 19224 dated 12th June, 1930. Multan No. 36941, dated 8th December, 1931. No. 13662, dated 23rd August, 1926. Pasrur No. 25213, dated 17th November, 1925; No.			
Lyallpur        No. 300, dated 1st May, 1915.         Mianwali        No. 36455, dated 18th November, 1932.         Moga        No. 17961, dated 2nd August, 1919; No. 32772 dated 3rd November, 1931; No. 30475, dated 13th October, 1931.         Montgomery        No. 1782, dated 16th January, 1931.         Muktsar        No. 19837, dated 30th June, 1928; No. 19224 dated 12th June, 1930.         Multan        No. 36941, dated 8th December, 1931.         Narowal        No. 13662, dated 23rd August, 1926.         Pasrur        No. 25213, dated 17th November, 1925; No.			
Mianwali        No. 36455, dated 18th November, 1932.         Moga        No. 17961, dated 2nd August, 1919; No. 32772 dated 3rd November, 1931; No. 30475, dated 13th October, 1931.         Montgomery        No. 1782, dated 16th January, 1931.         Muktsar        No. 19837, dated 30th June, 1928; No. 19224 dated 12th June, 1930.         Multan        No. 36941, dated 8th December, 1931.         Narowal        No. 13662, dated 23rd August, 1926.         Pasrur        No. 25213, dated 17th November, 1925; No.			
Moga        No. 17961, dated 2nd August, 1919; No. 32772 dated 3rd November, 1931; No. 30475, dated 13th October, 1931.         Montgomery        No. 1782, dated 16th January, 1931.         Muktsar        No. 19837, dated 30th June, 1928; No. 19224 dated 12th June, 1930.         Multan        No. 36941, dated 8th December, 1931.         Narowal        No. 13662, dated 23rd August, 1926.         Pasrur        No. 25213, dated 17th November, 1925; No.		-	
dated 3rd November, 1931; No. 30475, dated 13th October, 1931.         Montgomery       No. 1782, dated 16th January, 1931.         Muktsar       No. 19837, dated 30th June, 1928; No. 19224 dated 12th June, 1930.         Multan       No. 36941, dated 8th December, 1931.         Narowal       No. 13662, dated 23rd August, 1926.         Pasrur       No. 25213, dated 17th November, 1925; No.		2017	
Montgomery        No. 1782, dated 16th January, 1931.         Muktsar        No. 19837, dated 30th June, 1928; No. 19224 dated 12th June, 1930.         Multan        No. 36941, dated 8th December, 1931.         Narowal        No. 13662, dated 23rd August, 1926.         Pasrur        No. 25213, dated 17th November, 1925; No.			dated 3rd November, 1931; No. 30475, dated
Muktsar        No. 19837, dated 30th June, 1928; No. 19224 dated 12th June, 1930.         Multan        No. 36941, dated 8th December, 1931.         Narowal        No. 13662, dated 23rd August, 1926.         Pasrur        No. 25213, dated 17th November, 1925; No.	Montgomery		
Multan        No. 36941, dated 8th December, 1931.         Narowal        No. 13662, dated 23rd August, 1926.         Pasrur        No. 25213, dated 17th November, 1925; No.		•	No. 19837, dated 30th June, 1928; No. 19224,
Narowal No. 13662, dated 23rd August, 1926. Pasrur No. 25213, dated 17th November, 1925; No.	Multan		
Pasrur No. 25213, dated 17th November, 1925; No	Narowal		
	Pasrur	1.75	No. 25213, dated 17th November, 1925: No.
			30734, dated 5th October, 1929.
			경기를 받아 있다. 그런 사람들은 사람들은 사람들은 사람들이 되었다. 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은

Municipality	у.	Notifications.
Patti		32154, dated 22nd October, 1929.
Rahon	•••	No. 29342, dated 18th October, 1928.
Raikot	• • • •	No. 23955, dated 22nd July, 1931; No. 11926.
		dated 10th April, 1934.
Rohtak		No. 22014, dated 19th October, 1925.
Rupar		No. 25560, dated 11th October, 1933.
Sahiwal		
Sargodha		No. 14351, dated 30th April, 1923; No. 10479,
		dated 26th March, 1930.
Sialkot		No. 6391, dated 29th February, 1924; No.
		35109, dated 5th November, 1929.
Simla	• • •	No. 463, dated 24th September, 1903; No. 171,
		dated 14th March, 1916.
Wazirabad	•••	No. 7464, dated 1st March, 1930.

#### E.-BREAD, CONFECTIONERY, ETC.

Model bye-laws to regulate bakeries.

Special bye-laws for the inspection and proper regulation of bakeries under section 188 (e) (i).

The following model bye-laws under the latter section have been approved by the Punjab Government:—

Model Bye-laws for the regulation and inspection of bakeries, under sections 188 (e) (i) and 199 (1) of the Punjab Municipal Act, 1911.

- 1. For the purpose of these bye-laws "bakery" means any building or portion of a building in which the baking for sale of bread, biscuits, cake or other such food or any operation subsidiary or preparatory to such taking is carried on, and if only a portion of a building is used for such baking or such subsidiary or preparatory operation, bakery does not include the portion of such building in which such baking or operation is not carried on.
- 2. (i) Within one month of the date on which these bye-laws come into force every owner of a bakery shall cause his bakery to comply with the following conditions:—
  - (a) that the floor of the bakery shall be of stone, cement or other impervious material, and shall be sloped so as to allow all liquid to flow off by a drain or drains which must be provided

- (b) that no privy, ashpit or drain, except a drain or drains to carry off liquid from the floor, shall be situated within or communicate with the bakery;
- (c) that the bakery shall be provided with adequate light and ventilation to the satisfaction of the health officer;
- (d) that all doors, windows and ventilation openings of the bakery shall be covered with wire gauze;
- (e) that there shall be no direct communication between the bakery and any room used as a living or sleeping room.
- (ii). No person shall after the date on which these bye-laws come into force use as a bakery any building or a portion of a building not previously so used, unless such building or portion of building complies with the conditions laid down in clause (i) of this bye-law.
- 3. No owner or person in charge of a bakery shall employ or permit to be employed in the bakery any person suffering from any contagious or infectious disease or from loathsome sores or who has recently been attending on any person so suffering nor shall he suffer any such person or any animal to enter or remain in the bakery.
- 4. Every person in charge of a bakery shall keep all vessels, receptacles, utensils and other things used for the purpose of the bakery in a state of thorough cleanliness, and shall daily cause to be thoroughly washed and cleaned the floor, and drain of the bakery and every bench, counter, table, shelf or other place in the bakery on which any products of the bakery or any materials used in the manufacture of such products are kept.
- 5. No owner or person in charge of a bakery shall carry on or permit to be carried on in the bakery any other trade or occupation except baking or the operations preparatory or subsidiary thereto: provided that in the case of an hotel, restaurant or confectioner's shop a bakery may be used also for the preparation of any kind of food or drink, subject to the provisions of any other bye-laws which may be in force regulating the manufacture or preparation for sale of any specified article of food or drink.
- 6. No person in charge of a bakery shall keep or suffer to be kept in the bakery any bedding, soiled clothes or other things not required for the purpose of the bakery or for any other purpose for which under bye-law 5 the bakery may be used.
  - 7. No person shall dwell, sleep, spit or smoke in a bakery.
    - 8. No person in charge of a bakery shall use or permit to be

used in a bakery any water except water :--

- (a) (in the case of municipalities with a piped water-supply) obtained from the municipal water-supply laid in direct pipe connection to the bakery, unless special permission is given by the Medical Officer of Health for the use of other water;
- (b) in the case of other municipalities) obtained from a source and conveyed to the bakery in a manner approved by the Medical Officer of Health.
- 9. Every owner of a bakery shall cause all the inside walls of his bakery to be lime-washed at least twice a year and more often if so required by the Medical Officer of Health.
- 10. Every owner or person in charge of a bakery shall permit any member or any officer of the committee authorized in this behalf to inspect the bakery at all reasonable times.
- 11. Any person who commits a breach of any of these byelaws shall on conviction by a magistrate be punishable with fine which may extend to fifty rupees, and if the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

Municipalities on which bye-laws to control bakeries and the sale of bread are in force. 188. The following committees have adopted bye-laws for the regulation of bakeries and the sale of bread:—

Municipality	y•	Number and date of notification.
Abohar Amritsar Dalhousie Gurdaspur Hoshiarpur Jullundur Kasur Lahore Ludhiana Mianwali Murree Sargodha Simla		[[사용 : [2] [[보통]] [[사용 : [하다] 다른 사람이 전하고 있다. 이 하는 사용 : [사용 : [하다] 사용 : [사용 : [

#### F.- Fish.

Municipal markets for punjab and perhaps the best way to control its sale is to prohibit by bye-law under section 197 its sale except on licensed premises and to issue licenses only for stalls in a municipal market. One of the conditions of the license should require the provision of proper ice-chests in which the fish may be kept and stone slabs on which to display it.

## G.—OTHER ARTICLES OF FOOD AND DRINK.

- General model byelaws under section 197.

  General model byelaws under section 197.

  The general model byelaws under section 197 which have been approved by the Punjab Government may be made applicable to any specified article of food or drink.
- Model bye-laws under sections 197 and 199 (1) of the Punjab Municipal Act, 1911, for the licensing of premises for the manufacture, sale or preparation for sale of specified articles of food and drink.
- 1. No person shall manufature, sell or prepare for sale (the specified article of food or drink) except in premises licensed by the committee in this behalf.
- 2. No premises shall be licensed for the manufacture, sale or preparation for sale of..........
  - (a) unless they have a floor made of stone, cement, or other impervious materials;
  - (b) unless the walls are properly plastered and lime-washed;
  - (c) unless they are provided with adequate light and ventilation to the satisfaction of the Medical Officer of Health (or whoever may be appointed the licensing officer);
  - (d) unless they are provided with a drain and the whole floor is so sloped as to allow all liquid to flow off by the drain:
  - (e) if there is any direct communication between the premises and any room used as a sleeping room;
  - (f) if there is any latrine, cess-pool, cow-shed, stable or other place within 100 feet of the premises which in the opinion of the Officer of Health renders it undesirable that such premises should be used for the manufacture, sale or preparation for sale of .....;

- $\{g\}$  etc., etc. (whatever other requirements the committee may consider desirable in premises that are to be licensidely)  $\{g\}$ .
- 4. Licenses issued in accordance with bye-law 3 shall be current for not more than 12 months, and shall in any case terminate on the 31st March immediately succeeding the date of issue.
- 5. Any person who commits or abets the commitment of any breach of these bye-laws and any licensee who commits or abets the commitment of a breach of any of the conditions of his license, shall be liable, on conviction by a magistrate, to fine which may extend to fifty rupees, and, when the breach is a continuing breach, to a further fine which may extend to five rupees for every day after the first during which the breach continues, and in addition any such licensee shall be liable to have his license revoked.

## FORM A.

License for premises for the manufacture, sale or preparation for sale of......issued under bye-law 3 of the bye-laws for licensing premises for such manufacture, sale or preparation for sale, published with Punjab Government Notification No. dated

The premises of which a description is given in the attached schedule, situated in ......... (name of street, ward, etc.) are hereby licensed for the manufacture, sale or preparation for sale of ..........

This license is granted to .....  $\frac{\text{owner}}{\text{occupier}}$  of the said premises, subject to the following conditions:—

(!) that he shall keep the licensed premises structurally fit for the purpose for which the license is granted.

Explanation.—"Structural fitness" shall be deemed to include—

- (a) the existence of a floor made of stone, cement, or other impervious material;
- (b) possession of walls, properly plastered and lime-washed;

- (c) adequate provision of light and ventilation;
  - (d) suitable drains;
  - (e) etc., etc., (according to the initial requirements laid (f)) down in bye-law 2):

- (4) that he shall daily cause to be thoroughly washed and cleansed the floor and drain of the licensed premises and every bench counter, table, shelf or other place on which the articles manufactured, sold or prepared for sale and any material used in such manufacture, sale or preparation for sale are kept:
- (5) that he shall cause the walls of the licensed premises to be properly lime-washed at least twice a year and more often if so required by the Medical Officer of Health (or whoever the licensing officer may be):
- (6) that he shall not carry on or permit to be carried on any other trade or occupation in the licensed premises except the manufacture, sale or preparation for sale of .................... and that he shall not use or suffer to be used any portion of the licensed premises as a living room or sleeping room:
- (7) that he shall not spit or smoke or suffer any other person to spit or smoke within the licensed premises:
- (9) (a) (in the case of municipalities where a pipe water-supply is available) that he shall not use or permit to be used in such manufacture, sale or preparation for sale any water except water obtained from the municipal water supply laid in direct pipe connection to the licensed premises unless special permission is given by the Medical

Officer of Health (or whoever the licensing officer may be) for the use of other water:

- (b) (in cases where no pipe water-supply is available) that he shall not use or permit to be used in such manufacture, sale or preparation for sale any water except water obtained form a source and conveyed to the licensed premises in a manner approved by the Medical Officer of Health (or whoever the licensing officer may be):
- (10) that he shall permit any member or officer of the committee authorized in this behalf at all reasonable times and without notice to inspect the licensed premises.

#### SCHEDULE.

(The actual room or rooms in which the manufacture, sale or preparation for sale of the specified article of food or drink is to be carried on should be described in cases where the whole of a building is not to be used for such manufacture or preparation for sale.)

Municipalities in which bye-laws regulating the preparation for sale of various articles of food are in force.

The following table shows the municipalities in which bye-laws have been made to regulate the manufacture or preparation for sale of various articles of food and drink:—

Municipality.		Articles regulated.	Notification.		
Campbellpur	ء نــ	Cooked food.	No. 16678, dated 13th June, 1933.		
Chiniot	•••		No. 3688, dated 1st February, 1934.		
Dinga	•••	Sweetmeat, pakories, puri and halva.	No. 24074, dated 18th September, 1933.		
Dharmsala		Sweetmeats, bread, biscuits kachauris, puris, papar, dal, pakoras, confectionery, cakes and other articles of food sold or prepared by bakers and confectioners.	No. 18539, dated 6th July,   1927; No. 17317, dated   7th May 1929.		
·Gojra	••	Sweetmeat, pakories, puri and halva.	No. 25182, dated 5th October 1933.		
Gujrat	ALIV SI	Cooked food and sweet- meats.	No. 7059, dated 8th March, 1920.		

Municipality.	Articles regulated.	Notification.		
Hoshiarpur	Milk, curd, including articles made of curd, sweetmeats.	No. 37433, dated 11th December, 1931.		
Jalalpur Jatta		No. 32694, dated 2nd November, 1931.		
Jullundur .	. Sharbat and sweetmeats.	No. 26399, dated 19th August, 1929.		
Karnal .	Sweets and other articles of food and drink which are prepared by cooking.	No. 6801, dated 11th March, 1919; No. 23865,		
Lahore .	Milk, butter (including clarified butter) sweet-	No. 1041, dated 14th January, 1918.		
	meats and confectionery, sharbats, indigenous drugs and decoctions, sugar including batashas and misri.			
Lyallpur .	Sweetmeat, pakories. puris and halva.	No. 27838, dated 11th August, 1932.		
Mianwali .	Bread, biscuits, sweetmeats and confectionery.			
Montgomery .	Ghi.	No. 36190, dated 1st December, 1931.		
Muktsar	. Milk, curd, sweatmeats.	No. 14851, dated 29th April, 1932; No. 16739, dated 13th June, 1933; No. 11381, dated 19th April, 1933; No. 22580, dated 6th September, 1922.		
Murree	Any article or substance intended for human consumption derived or obtained from milk, sugar, any cereal, pulse, meat, vegetable or tea.	No. 13004, dated 12th May, 1919; No. 24570, dated 27th October, 1923; No. 28886, dated 17th September, 1929.		
Panipat	Sweetmeats.	No. 96, dated 3rd January 1919; No. 27957, dated 12th September, 1931.		
Patti	Milk, butter, curd, sweat- meat.	No. 28014, dated 3rd October, 1930; No. 23225, dated 7th Sep- tember, 1933.		
Phillaur	Milk, butter, including clarified butter, curd,	No. 29826, dated 6thOcto-		

- N. T.

Municipality.	Articles regulated.	Notification.
Pind Dadan Khan	Country To Cook of Cook	June, 1933.
Ditto.	Milk or butter.	No. 17486, dated 23rd June, 1933.
Rahon	Sweetmeats.	No. 41504, dated 23rd December, 1929.
Rohtak	Bread, sweatmeats, biscuits and confectionery.	No. 32158, dated 22nd October, 1929.
Sialkot	Milk, butter, ghi, sweet- meats, confectionery, sharbats, indigenous drugs and concoctions, sugar, including batashas and misri.	No. 18935, dated 5th August, 1924.
Simla	Jam.	No. 657, dated 11th November, 1911.

In addition to bye-laws of this description dealing with particular articles of food and drink, a com-Regulation of markets. mittee can also regulate markets of any kind by bye-laws under section 188 (e) (ii), and the following model bye-laws under this section have been approved by the Punjab Government:

Model bye-laws for the inspection and proper regulation of markets, etc., under sections 188 (e) (ii) and 199 (1) of the Punjab Municipal Act, 1911.

- 1. (a) The municipal committee may by written notice require the owner, lessee or manager of any market established within municipal limits within a period to be prescribed in such notice :-
  - (i) to cause the whole or any portion of the floor of the building or the whole or any portion of the place in which the market is established to be paved to the satisfaction of the Medical Officer of Health;
    - (ii) to cause such drains to be constructed in or from such building or place of such material, size and description, at such level and with such outfall as the committee may in the written notice prescribe;
    - (iii) to provide such a supply of drinking water as the Medical Officer of Health may consider necessary;

- (iv) to make such provision for ventilation as the committee may in the written notice prescribe;
- (v) to provide passages between the stalls in the market of such width as the committee may in the written notice prescribe;
- (vi) to provide receptacles for rubbish of any description of such size and pattern as the committee may in the written notice prescribe;
- (vii) in the case of a market established in a building, to provide wire-gauze covers for all doors, windows and other openings.
- (b) Failure to comply with such a notice within the specified period shall be deemed a breach of this bye-law.
- 2. No person shall place, or expose for sale, in a market any article in such a manner as to obstruct any passage in such market.
- 3. No person shall cook in any part of a market, except in places specially set apart for the purpose by Medical Officer of Health.
- 4. (a) No person shall bring any vehicle inside a market or any dog or other live animal, except animals for the sale of which the market is etablished.
- (b) The Medical Officer of Health, Market Superintendent or any other officer of the committee authorized in this behalf may order the removal of any vehicle or animal, other than an animal for the sale of which the market is established, which he may find in a market and failure to comply with such an order shall be deemed a breach of this bye-law.
- 5. Every shop-keeper or stall-holder in a market shall keep his shop or stall in a thoroughly clean condition, and shall allow no refuse or garbage to remain in or about it, but shall, from time to time as often as occasion may require cause such refuse or garbage to be placed in the receptacles provided for the purpose.
- 6. Every owner, lessee or manager of a market shall cause the interior walls of such market to be lime-washed at least twice yearly and more often if so required by the Medical Officer of Health and shall keep the market building in a proper state of repair to the satisfaction of the Medical Officer of Health.
- 7. Every vendor in a market shall at all times when present in the market be dressed in reasonably clean clothes.
- 8. No person present on a stall where meat or fish is sold shall occupy such a position that any portion of his person or clothing is in contact with such meat or fish.

- 9. Every owner, lessee or manager of a market shall cause the floor of the market to be thoroughly washed and flushed daily.
- 10. No shop keeper or stall-holder in a market shall suffer any live animal which he has in the market for sale to wander about the market.
- 11. No person shall light a fire in a market without the sanction of the Market Superintendent, and every shop-keeper and stall-holder in a market shall cause to be extinguished every fire or light in his shop or stall before he leaves such shop or stall unoccupied.
- 12. No person suffering from any contagious or infectious disease or from loathsome sores shall enter a market.
- 13. No person shall hawk or cry any article for sale in a market.
  - 14. No person shall sleep, spit, or smoke in a market.
- 15. No person shall sell anything in a market at a price higher than the price laid down in respect of it in the list of prices current to be prepared from time to time under the authority of the municipal committee, a copy of which shall be posted in every market under the orders of the Secretary of the committee.
- 16. Any person who commits a breach of any of these byelaws shall on conviction by a magistrate be punishable with fine which may extend to fify rupees, and if the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.
- Municipalities in which bye-laws to control markets are in force.

  The following table shows the committees which have adopted bye-laws for the regulation of markets, though in most cases the bye-laws are crude and inadequate:—

Municipality.	Notifications.	
Abohar Alipur Ambala City Amritsar Baghbanpura-cum- Bhogiwal Bahadurgarh Ballabgarh Banga	No. 102, dated 6th February, 1891 No. 620, dated 7th August, 1890 No. 27187, dated 1st August, 1932	

Municipality.		Notifications.	
Batala		No. 358, dated 2nd June, 1890.	
Beri		No. 620, dated 7th August, 1890.	
Bhakkar		No. 282, dated 5th May, 1890.	
Bhera			
Bhiwani	• • •		
Buriya			
Campbellpur			
Chiniot		No. 894, dated 10th October, 1891.	
Chunian		No. 593, dated 1st August, 1890.	
Dajal			
Dalhousi		No. 520, dated 22nd October, 1897; No. 695	
		dated 14th October, 1913; No. 18, dated 2n	
	• .	January, 1915; No. 418, dated 6th July 1915.	
Dera Baba Nanak		No. 358, dated 2nd June, 1890.	
Dera Ghazi Khan			
Dharmsala			
Dinanagar		No. 358, dated 2nd June, 1890.	
Dinga		No. 396, dated 16th May, 1891.	
Eminabad		No. 27827, dated 29th September, 1930.	
Faridabad			
Fazilka	4	No. 15, dated 1st January, 1891.	
Ferozepore .	• • •	No. 15, dated 1st January, 1891.	
Firozpur-Jhirka		No. 410, dated 13th June, 1890.	
Gohana		No. 620, dated 7th Angust, 1890.	
Gojra			
Gujranwala		No. 496, dated 8th July, 1890.	
Gujrat		No. 396, dated 16th May, 1891.	
Gurdaspur		No. 358, dated 2nd June, 1890.	
Hansi			
Hazro		No. 52, dated 16th January, 1891.	
Hissar			
Hodal		No. 410, dated 13th June, 1890.	
Hoshiarpur		No. 371, dated 3rd June, 1890.	
Isa Khel		No. 48, dated 15th January, 1891.	
Jagadhri			
Jagraon		No. 371, dated 2nd June, 1890.	
Jalalpur Jattan		No. 396, dated 16th May, 1891.	
Jampur			
Jandiala			
Jhajjar		No. 620, dated 7th August, 1890.	
Jhang-Maghiana		No. 846, dated 21st September, 1891.	
Jhelum		No. 374, dated 3rd June, 1890.	
Jullundur			
Kaithal		[1998] [1998] - 1998 -	
Kalabagh		No. 48, dated 15th January, 1891.	

Municipality.		Notifications.
Kamalia	•••	No. 401, dated 11th June, 1890.
Karnal	•••	No. 34, dated 15th January, 1915; No. 897,
		dated 8th January, 1929.
Karor	• • •	No. 282, dated 5th May, 1890.
Kartarpur		No 502 dated 1st Angust 1800
Kasur ;	. • • • •	No. 593, dated 1st August, 1890. No. 102, dated 6th February, 1891.
Khangarh Khem Karan	• • •	No. 593, dated 1st August, 1890.
Khushab		140. 930, daned 150 11 ugusu, 1000.
Kunjah		No. 11363, dated 11th April, 1927.
Lahore		No. 24002, dated 24th December, 1917.
Leiah		No. 282, dated 5th May, 1890.
Ludhiana		No. 370, dated 3rd June, 1890; No. 12996,
		dated 2nd May, 1933.
Lyallpur		
Miani		
Mianwali		
Mithankot		
Moga		
Montgomery	• • •	No. 401, dated 11th June, 1890.
Muktsar		No. 15, dated 1st January, 1891.
Multan .	•••	
Murree		77 4000 7 4 7 447 77
Muzaffargarh	• • •	No. 19235, dated 4th November, 1918.
Nakodar		No. 1091, dated 9th December, 1891.
Narowal	•••	No 1001 dated 0th December 1001
Nurmahal Delenattan	• • •	No. 1091, dated 9th December, 1891.
Pakpattan . Palwal .	•••	No. 401, dated 11th June, 1890. No. 410, dated 13th June, 1890.
	• • •	No. 410, dated 15th 5the, 1550.
Panipat Pasrur	•••	No. 556, dated 21st July, 1890.
Pathankot	•••	No. 358, dated 2nd June, 1890.
Patti		No. 28014, dated 3rd October, 1930.
Phillaur		[ 이 이 기업 이 경기 전에 기업 이 경기 기업 전기 기업 전기 기업
Pind Dadan Khan	.,.	No. 375, dated 3rd June, 1890.
Pindigheb	• • •	No. 52, dated 16th January, 1891.
Raekot		No. 371, dated 3rd June, 1890.
Rahon .	•••	No. 19, dated 16th January, 1892.
Rajanpur		경기자 그 경기 교육 등 등 경기 위에 되었다. 그리고 함께 보고 있다. 그리고 함께 불다. 2010년 - 전 12 - 12 - 12 - 12 - 12 - 12 - 12 -
Rawalpindi	•••	No. 947, dated 21st November, 1890.
Rewari		
Rohtak	•••	No. 620, dated 7th August, 1890; No. 10109, dated 14th April, 1919.
Rupar		
Sadhaura		: ''
Sahiwal	5 <b>.</b>	

Municipality.	Notification.
Sargodha Shahabad Sharakpur Shujabad Sialkot Simla Sirsa Sonepat Thanesar Urmar-Tanda Wazirabad Zira	No. 29327, dated 17th October, 1930.  No. 593, dated 1st August, 1890.  No. 491, dated 5th July, 1890.  No. 728, dated 8th September, 1890; No. 20428, dated 7th July, 1928.  No. 966-S., dated 12th August, 1885; No. 404, dated 8th August, 1894.  No. 21, dated 16th January, 1892.  No. 497, dated 8th July, 1890.

# SECTION 6.—Sanitation.

General powers in respect of conservancy, etc.

General powers in respect of conservancy, etc.

General powers in respect of conservancy, etc.

of removing nuisances likely to be injurious to health and generally for promoting the cleanliness of the municipality and the health of its inhabitants. One of the first and most important duties of a committee is to keep its town clean. This is the problem of conservancy or in other words the collection removal and disposal of what the Act calls generally "offensive matter."

The following statement shows the sections conferring powers or imposing penalties in connection with this problem:—

Section.	Description.
154	Power to fix places for the deposit of offensive matter and to give directions as to its removal along any street to such places.
155	
156	Penalty for depositing offensive matter on a street or in any sewer or drain.
157	Penalty for allowing children and others to commit a nuisance in a street.
158—166	Provisions as to house-scavenging.

Section.	Description.
119	Power to require untenanted building or land to be secured or enclosed.
115	Power to require the cleansing of any filthy building or land.
204	Power of entry for inspection of buildings for sanitary reasons.
107 & 188 $(e) (v)$	Powers in repect of burning and burial grounds.
108 168	Power to prescribe routes for the removal of corpses.  Provisions as to the disposal of the bodies of dead animals.
125 & 126	Powers in respect of the provision, repair, alteration, closing and removal of drains, privies, latrines, urinals, cesspools, etc.

All these provisions of the Act are supplementary to one another and must be considered in their relations to one another. Thus it is obviously the committee's duty to collect and remove offensive matter from public streets and places, but all its efforts will be futile if any private person can deposit offensive matter anywhere he likes. Hence a committee is given power under section 154 to fix places for the deposit of offensive matter, and penalties are provided by sections 156 and 157 for depositing offensive matter or allowing it to be deposited on streets, drains and sewers. Section 154 may, however, also be regarded as intended not so much to prevent the frustration of a committee's efforts to keep the public streets clean as to assist the committee in the task of collecting and removing offensive matter by ensuring its concentration in fixed places. Similarly, the powers conferred by sections 125 and 126 in respect of the provision, repair, alteration, closing and removal of drains, privies, latrines, urinals, cesspools, etc., may be regarded from several points of view. On the one hand, they may be exercised simply with a view to safeguarding the health of persons occupying the buildings for which the latrines, privies, drains, etc., are provided or of persons living in the neigh-On the other hand, the provision of latrines, etc., may be required in order to prevent the defilement of streets or open spaces, and to assist the committee in keeping such streets and places clean while concentrating the offensive matter in suitable receptacles. It is not proposed to examine in detail the powers conferred upon committees in this connection or to suggest the manner in which they may best be exercised—such a discussion would be more suitable to some technical hand-book by a sanitary expert—all that would be insisted upon here is that the sanitary authorities of committees should study these sections from every point of view so that the powers they confer may be utilised to the full. For the rest a few particular powers are noticed in the following paragraphs:-

House-scavenging. 195. Sections 159—166 deal with the subject of house-scavenging. The following points should be noticed:—

- (1). No committee may undertake the house-scavenging of any building in respect of which any sweeper has a customary right to do the house-scavenging (section 160 (a)). This bar may, however, be removed if the customary sweeper is twice convicted of failure to perform the house-scavenging of such a building and the magistrate directs that his right to do the house-scavenging shall be forfeited, (section 165 (2)). In such a case, however, the committee must comply with the provisions of the law detailed below before it can itself undertake the house-scavenging of such a building, it has no automatic right to undertake it on forfeiture of the customary sweeper's right.
- (2). No committee without the consent of the occupier may undertake the house-scavenging of any building occupied by an agriculturist cultivating land within municipal limits or in a village conterminous therewith (section  $160\ b$ )). If, however, the agriculturist is proved not to have provided for the proper house-scavenging of such a building, the magistrate enquiring into the matter may empower the committee forthwith to undertake the house-scavenging and no further preliminaries are required (section  $166\ (2)$ ).
- (3). Subject to the reservations set forth above, a committee may undertake the house-scavenging of any house (a) immediately, on the application or with the consent of the occupier or (b) after giving two months' public notice of its intention in any other case.
- It should be observed that house-scavenging as defined in section 158 means the removal of filth, rubbish, ordure or other offensive matter from a privy, latrine, urinal, cesspool or other common receptacle for such matter only. It does not include the removal of filth from a court-yard or garden for instance. That is to say, a man's obligation to keep his premises clean is not affected by the committee's undertaking his house-scavenging, and he is still liable to penalties under section 155 if he keeps offensive matter in or upon his building or land otherwise than in some proper receptacle.\*
- 196. Under section 107 a committee may order the closing

  Powers in respect of burning and burning and burning and burning injurious to health, and its permission is required grounds.

  for the making or formation of any new burning

<sup>\*</sup>Note.—The Murree committee has passed bye-laws under section 188 (v) and 199 (1) requiring every owner or agent of a house or estate situated within the limits of the Civil Station to provide not less than two iron receptacles of the selected pattern approved by the committee, for the collection of night-soil from all the latrines situated on (sic) such house or estate, such receptacles being obtainable for cost price from the municipal office. (Notn. No. 12991, dated 12th May, 1919).

or burial ground, while under section 188 (e) (v) it may provide by bye-laws for controlling and regulating the use and management of burning and burial grounds whether in existence before the commencement of the Act or formed subsequently with its permission. The following model bye-laws under this section have been approved by the Punjab Government and recommended for adoption by all municipal committees:—

Model by e-laws under section 188 (e) (v) and 199 (1) for controlling and regulating the use and management of burial and burning grounds.

- 1. No person shall bury or cause to be buried or, being the owner or person in charge of the burial ground, shall permit to be buried the body of any person in any burial ground within municipal limits, save in accordance with the following conditions:—
  - (a) Each grave shall be of such a depth th; every part of every coffin or body shall be at least four feet. We the surface level, if confined in masonry, and six fee. If not so confined.
  - (b) The grave shall be not less than two feet from the nearest existing grave.
  - (c) The body shall not be buried in any vault or masonry grave with a permanent floor which it is intended at any time within fourteen years to re-open unless the coffin or body be separately entombed in an air-tight manner by properly cemented stone or brick-work which shall never be disturbed.
  - (d) The body shall not be buried in the same grave with and at the same time as any other body unless the bodies be those of members of the same family.
- 2. No person shall re-open, or, being the owner or person in charge of the burial ground, shall permit to be re-opened any non-masonry grave or masonry grave unprovided with a separate airtight compartment as described in bye-law 1 (c) within fourteen years after the burial therein of the body of a person above 12 years of age or within eight years of the burial therein of the body of a child under 12 years of age unless for the purpose of burying the body of another member of the same family, in which case a layer of earth not less than one foot thick shall be left undisturbed over the previously buried body. If on re-opening a grave any soil is found to be offensive, such soil shall be left undisturbed.
- 3. Except in cases of disinterment by order of a Magistrate under section 176 (2) of the Code of Criminal Procedure, no person shall exhume a dead body or, except with the permission of the municipal committee, re-open a grave,

- 4. No person who burns or causes to be burnt the dead body of any person in any burning ground within municipal limits and no owner or person in charge of any such burning ground shall permit the body or any part of it to remain unconsumed, nor shall he remove or cause to be removed or suffer to be removed from such burning ground the body or any part of it until it has been completely reduced to ashes.
- 5. No person shall remove the wood, coal or other fuel, that has been employed in a pyre on a burning ground or being the owner or person in charge of such burning ground, shall permit such wood, coal or other fuel to be removed, but the owner or person in charge of such burning ground shall see that such wood, coal or other fuel is reduced to ashes.
- 6. No person who conveys or causes to be conveyed any dead body to any burning or burial ground within municipal limits and no owner or person in charge of such burning or burial ground shall permit any such body to remain unburned or unburied, as the case may be, for more than six hours after its arrival at such burning or burial ground.
- 7. No person shall remove or, being the owner or person in charge of a burning or burial ground, shall permit to be removed from such burning or burial ground the bier or other thing on which the dead body of any person who has died of any infectious or contagious disease was brought to such burning or burial ground or any clothes or bedding or other thing with which such dead body has been in contact, but the person responsible for the burning or burial ground shall cause and the person in charge of such burning or burial ground shall cause such bier or other thing on which such dead body was brought to such burning or burial ground to be burnt to ashes, together with such clothes, bedding or other thing with which such dead body has been in contact unless such clothes, bedding or other thing shall have been buried with such dead body.
- 8. No person shall, except with the written permission of the municipal committee, erect any masonry tomb or samadh or plant any tree within the limits of any burial or burning ground within municipal limits.
- 9. Any person who commits a breach of any of these byelaws shall be punishable with fine which may extend to fifty rupees, and if the breach is a continuing breach, with further fine which may amount to five rupees for every day after the first during which the breach continues.

Note.—These bye-laws shall not apply to any Christian cemetery regulated under the orders of the Government of India.

Municipalities in which bye-laws to control burning and burial grounds are in force. 197. The following statement shows the municipalities in which by e-laws under section 188 (e) (v) are in force:

Municipality.		Notifications.	
A la a la an		<u>, , , , , , , , , , , , , , , , , , , </u>	
Abohar		No. 102 Joseph Cally Wohnsoner 1901	
Ambala City	• •	No. 102, dated 6th February, 1891.	
Ambala City	•••	No. 8, dated 8th January, 1892.	
Amritsar	• • • •	No. 18067, dated 1st October, 1917; No. 18663, dated 15th October, 1917.	
Baghbanpura-cum			
Bhogiwal	4,614		
Bahadurgarh		No. 620, dated 7th June, 1890.	
Ballabgarh		406, dated 13th June, 1890.	
Banga		No. 1091, dated 9th December, 1891.	
Batala	•••	No. 358, dated 2nd June, 1890.	
Beri		No. 620, dated 7th August, 1890.	
Bhakkar		No. 282, dated 5th May, 1890.	
Bhera		No. 642, dated 20th July, 1891.	
Bhiwani		No. 406, dated 13th June, 1890.	
Buriya		No. 406, dated 13th June, 1890.	
Cambellpur			
Chiniot		No. 12133, dated 4th June, 19 8; No. 15178-	
		A, dated 10th August, 1918.	
Chunian		No. 569, dated 24th December, 1835.	
Dajal		No. 56, dated 17th January, 1891.	
Dalhousie		No. 695, dated 14th October, 1913; No	
		32914, dated 10th November, 1930.	
Dera Baba Nanak		No. 358, dated 2nd June, 1890.	
Dera Ghazi Khan		No. 638, dated 23rd September, 1916.	
Dharmsala		No. 809, dated 25th November, 1886.	
Dinanagar	• •	No. 358, dated 2nd June, 1890.	
Dinga		No. 396, dated 16th May, 1891.	
Eminabad		No. 497, dated 8th July, 1890.	
Faridabad		No. 406, dated 13th June, 1890.	
Fazilka		No. 15, dated 6th January, 1891.	
Ferozepore		No. 15, dated 6th January, 1891.	
Firozpur-Jhirka	,	No. 410, dated 13th June, 1890.	
Gohana		No. 620, dated 7th August, 1890.	
Gojra		No. 635, dated 23rd September, 1916.	
Gujranwala		No. 10, dated 9th January, 1899.	
Gujrat		No. 396, dated 16th May, 1891.	
Gurdaspur		No. 358, dated 2nd June, 1890.	
Hansi .	•••	No. 406, dated 13th June, 1890.	
Hazro		No. 52, dated 16th January, 1891.	
		, , , , , , , , , , , , , , , , , , ,	

Municipality.	Notifications.
Hissar	No. 406, dated 13th June, 1890.
Hodal	No. 410, dated 13th June, 1890.
Hoshiarpur	No. 371, dated 3rd June, 1890.
Isa Khel	No. 48, dated 15th January, 1891.
Jagadhri	
Jagraon	No. 371, dated 3rd June, 1890.
Jalalpur Jattan	No. 396, dated 16th May, 1891.
Jampur	No. 56, dated 17th January, 1891.
Jandiala	
Jhajjar	No. 620, dated 7th August, 1890.
Jhang-Maghiana	No. 846, dated 21st September, 1891.
Jhelum	No. 374, dated 3rd June, 1890.
Jullundur	No. 1052, dated 29th December, 1890:
Kaithal	No. 703, dated 10th August, 1891.
Kalabagh	No. 48, dated 15th January, 1891.
Kamalia	No. 401, dated 11th June, 1890.
Karnal	No. 703, dated 10th August, 1891.
Karor	No. 282, dated 5th May, 1890.
ixarour par.	No. 54, dated 4th February, 1893.
Kasur	No. 26517, dated 25th August, 1931.
Khangarh	No. 102, dated 6th February, 1891.
Khem Karan	No. 469, dated 24th December, 1895.
Khushab Kunjah	No. 642, dated 20th July, 1891.
T 1	No. 11363, dated 11th April, 1927.
Lanore	No. 24002, dated 24th December, 1917; No. 15737 dated 25th Mary 1921
Leiah	15737, dated 25th May, 1921.
Ludhiana	No. 282, dated 5th May, 1890. No. 370, dated 3rd June, 1890.
Lyallpur	No. 31, dated 16th February, 1890.
Miani	No. 642, dated 20th July, 1891.
Mianwali	No. 143, dated 18th March, 1904.
Mithankot	No. 56, dated 17th January, 1891.
Moga	2. 3. 3. district 1. of 5 and any, 1091.
Montgomery	No. 401, dated 11th June, 1890.
Muktsar	No. 23227, dated 18th December, 1918.
Multan	No. 324, dated 17th May, 1888.
Murree	, 1000.
Muzaffargaih	No. 19235, dated 4th November, 1918.
Nakodar	No. 1091, dated 9th December, 1891.
Narowal	
Nurmahal	No. 1091, dated 9th December, 1891.
Pakpattan	No. 401, dated 11th June, 1890.
Palwal	No. 410, dated 13th June, 1890.
Panipat	No. 703, dated 10th August, 1891.
Pasrur	No. 556, dated 21st July, 1890.
Pathankot	No. 358, dated 2nd June, 1890.
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Municipality.	Notifications.
Patti	
Phillaur	No. 53, dated 4th February, 1893.
Pind Dadan Khan	No. 375, dated 3rd June, 1890.
Pindigheb	No. 52, dated 16th January, 1891.
Raekot	No. 371, dated 3rd June, 1890.
Rahon	No. 19, dated 16th January, 1892.
Rajanpur	No. 56, dated 17th January, 1891.
Rawalpindi	No. 947, dated 21st November, 1890.
Rewari	No. 410, dated 13th June, 1890.
Rohtak	No. 620, dated 7th August, 1890.
Rupar	No. 8, dated 8th January, 1892.
Sadhaura	No. 406, dated 13th June, 1890.
Sahiwal	No. 642, dated 20th July, 1891.
Sargodha	불명 가는 경기를 보고 <mark></mark> - 전기 기계를 보고 말했다.
Shahabad	No. 406, dated 13th June, 1890.
Sharakpur	No. 569, dated 24th December, 1895.
Shujabad	No. 491, dated 5th July, 1890.
Sialkot	No. 728, dated 8th September, 1890.
Simla	No. 966-S., dated 12th August, 1885.
Sirsa	No. 406, dated 13th June, 1890.
Sonepat	No. 406, dated 13th June, 1890.
Thanesar	No. 406, dated 13th June, 1890.
Urmar-Tanda	1,0. 1, 44,000 10011
Wazirabad	110. 10., ameod our o dry, 1000.
Zira	No. 15, dated 6th January, 1891.
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The necessity for keeping cow-houses clean has been 198. noticed in paragraph 167 above in connection Stables with the purity of the milk supply. It is equally houses, desirable in the interest of general sanitation that cow-houses and also stables should be kept clean so as to prevent them from becoming a nuisance to the neighbourhood and breeding places for flies and germs of all kinds, and the model bye-laws reproduced in paragraph 167 aim at producing this result as much as at ensuring purity of the milk supply. Condition (e) in bye-law 3 is particularly important from this point of view, for stable litter is responsible to a very large extent for the plauge of flies from which every town in the province suffers, and the prompt and efficient disposal of it is essential if the fly nuisance is to be abated.

# CHAPTER VII.

#### MUNICIPAL WORKS.

# SECTION I.—Restictions or the independence of Committees in connection with Municipal Works.

199. A committee's freedom of action in the sphere of Munici-

Festrictions on a committee's freedom in respect of Municipal Works.

pal Works is considerably restricted. The appointment of Municipal Engineers and of other persons to any other office connected with sanitary or other works requiring professional skill is regulated by rule. The administra-

tive and technical sanction of prescribed authorities must be obtained before any work estimated to cost more than a certain amount is undertaken. In certain circumstances a committee may be required to have plans and estimates prepared by the Sanitary Engineer or by some person nominated by him. The Municipal Account Code, 1930, prescribes the registers that are to be maintained in connection with Municipal Works. In para. 16 of their Resolution

(a) The appointment and dismissal of Municipal Engineers.

on the subject of local self-government issued in 1918 (No. 41, dated 16th May, 1918) the Government of India signified their acceptance of the proposals of the Decentralization Com-

mission with regard to the control to be exercised over the appointment and dismissal of municipal engineers. That commission had recommended that the appointment of municipal engineers should require the sanction of the Local Government in the case of cities and of the Commissioner elsewhere, and that the same sanction should be required for any alteration in the emoluments of the post of municipal engineers and for their dismissal. The Government of India were further of opinion that Government should be able to require the dismissal of a municipal engineer in cases of proved incompetency. In the Punjab the power of dismissal in cases of incompetency is secured to Government by section 41 of the Act but dismissal by a committee now requires no sanction and Government has no power to prevent any alterations in the emoluments of municipal engineers.

200. With regard to the outside sanction required for works estimated to cost more than a certain amount, the Government of India, in paragraph 15 of their Resolution referred to above, asked for a definite indication on the part of the Local Governments that a material advance would be made in the direction of the proposals of the Decentralization Commission, which recommended the removal of all restrictions except in the case of projects to be carried out from loan funds, when Government should scrutinize and sanction the estimates. The Government

of India would have had local bodies classified according to the characters of their local technical staff, greater or less freedom in regard to the sanctioning of works being permitted according to the competence of such staff. The Government of India appear therefore to have been contemplating only the technical sanction required for works estimated to cost more than a certain amount since the necessity for such sanction was to depend on the character of the technial staff employed by a committee. In respect of administrative sanction the position is somewhat different. Such sanction is at present required in order to guard againt extravagant and ill-considered projects, but the character of a committee's technical staff cannot affect the question as to whether that committee can be trusted with unfettered discretion to decide what projects its staff shall carry out. The position in fact with regard to administrative sanction is really the same as with regard to budgets. If the control over budgets ought to be removed in order that committees may attain adequate financial responsibility by exercising unrestricted powers and by having to bear the consequences of their errors, it would be illogical to retain control in the most important department of expenditure. The relaxation of the rules with regard to technical sanction is a very different matter. For here the control is not so much over the committee as over its officers, and the rules so far from imposing a restriction on the committee in reality confer a benefit, inasmuch as the committee with a professional control over is provided its technical officers it could not itself exercise. The number of committees which can afford to employ an engineer of the standing of an Executive Engineer in Government service is not large, and in most municipalities the officer in charge of municipal works is no more than an Yet even an Executive Engineer in the Public Works Department is not ordinarily empowered to accord final or technical sanction to detailed estimates for original works or special repairs in excess of Rs. 500. The existing rules, however, require technical sanction to be obtained for no projects estimated to cost less than Rs. 2,000 even in a second class municipality or less than Rs. 5,000 in the case of first class municipalities. It, therefore, appears very doubtful whether any relaxation of the technical control exercised over the technical officers of a committee could safely be permitted.

201. It has been observed that the Municipal Account Code, 1930 prescribes the registers to be maintained in respect of Municipal Works, and this is often considered to be a restriction on the independence of committees. The position is, however,

really the same as in the case of the requirement of technical sanction for works: the restriction is a restriction on a committee's officers and not on the committee itself. Had Government not prescribed these registers every committee would itself have had to pass orders as to the registers to be maintained by its municipal works establishment. Government, however, with expert officers at its command, is in a far better position to regulate such matters than any committee, while for purposes of audit it is almost essential that

the same procedure should be in force in all municipalities. The rules contained in Chapter XIII of the new Account Code are indeed considerably more elaborate than those previously in force and it is to be hoped that they will be strictly enforced. For only so can the waste and misapplication of public funds, to which attention is so frequently drawn in audit and inspection notes, to be stopped. In this connection particular attention may be drawn to various provisions of the Code. Thus rule XIII-1 provides that no work shall be executed unless a detailed estimate has been prepared and sanctioned. In many municipalities, however, it is the practice to entrust the execution of works to members: no estimates are prepared but the members are given advances of which they may or may not subsequently submit accounts. Usually if accounts are submitted they are not supported by measurements, and the committee in consequence has no idea either what the work ought to have cost or what it really did cost. Another important provision of the rules is that which requires the Register of Municipal Works and the Contractors' Ledger to be kept in the accounts office of the committee and not in the office of the municipal engineer. This enables an independent check to be exercised over the municipal engineer's office, and presidents should see that the rule is strictly complied with.

202. The restrictions noticed in the preceding paragraphs

(d) Special provisions in the case of works for which grants-in-aid are given by Government.

(i) Administrative approval required in all cases.

apply in respect of municipal works in general. There are, however, further restrictions and conditions governing works to the case of which contributions are made from provincial revenues. In the first place rule 7 of the Municipal Works Rules, 1926, provides that the ordinary rules as to the obtaining of administrative

approval and technical sanction shall not apply in the case of aided works and the Local Government has directed that in cases the administrative approval of the Commissioner shall be obtained for works costing less than Rs. 30,000 in municipalities of the first class or Rs. 50,000 in municipalities of the second class.

203. In the case of sanitary works for which grants-in-aid are

(ii) Conditions as regards control of technical emloyees and maintenance of Sanitary Works.

given very strict conditions were prescribed by the Ministry in 1926<sup>2</sup> in order to ensure that when public funds are given for such purposes, they shall not subsequently be wasted owing to the failure of local bodies to maintain the works

properly. Those conditions are as follows:-

# A.-General.

(i) that the local body shall keep a separate ledger account and a separate pass book of expenditure connected with the project;

P.G. Notn. No. dated
 P.G. letter No. 33662 (Home-Sany.), dated 16th November, 1926.

- (ii) that the Sanitary Engineer, Punjab, shall have the right of inspection and of calling for plans and estimates in respect of any scheme for which a grant-in-aid is given;
- (iii) that a depreciation fund shall be established and maintained and that the Commisssoner shall satisfy himself when passing the annual budget that the local body does not draw on this fund for any general purpose;
- (iv) that the local body shall be required to make a declaration that it shall maintain the work in proper order;

# B.—Control over technical employees.

- (i) that the establishment to be employed and its scale of pay shall be fixed by the Sanitary Engineer and shall be communicated to the local body together with estimated cost of maintenance;
- (ii) that when the post of a technical employee such as waterworks superintendent, engine driver, emgine oilman or greaser, keyman, plumber, pipe fitter or pipe layer is to be filled, it shall be advertised by the local body;
- (iii) that the appointment and dismissal of such employees shall be subject to the approval of the Sanitary Engineer;
- (iv) that the Sanitary Engineer shall have the power of requiring the dismissal of any employee, if he considers that such dismissal necessary in the interest of the work itself;

# C.—Maintenance.

- (i) that the Sanitary Engineer shall prescribe the scale and specifications of spare parts, stores, oil, fuel, lubricants, etc., and also specify the names of more than one reliable firm from which the articles shall be obtained;
- (ii) that the local body shall place an order with one of the specified firms within a fixed period from the date on which the Sanitary Engineer's draft indent is received in its office;
- (iii) that in case of default by the local body in performing any duty imposed upon it under these conditions, the Commissioner in the case of district boards and municipal committees of the first class, and the Deputy Commissioner in the case of municipal committees of the second class, notified area committees, and small town committees may fix a period for the performance of that duty; and should it not be performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense thereof shall be paid by the local body within such time as he may fix.

- 204. The instructions with regard to disbursements of grants(iii) Instructions with in-aid issued by the Finance Department in 1927¹
  regard to payments of may suitably be noticed here. The instructions grants-in-aid. apply only to all non-recurring grants exceeding Rs. 5,000 in amount for purposes which have not already been carried out at the time of the grant and were issued in order to prevent premature disbursements of grants before they are required for expenditure with the object for which they are granted. Such premature disbursements, it was explained, resulted in the balances of Government being unnecessarily reduced and, what was more serious, in the diversion of grants for their legitimate purposes to other uses. The instructions are as follows:—
- "2. Grants-in-aid are sanctioned either by the Local Government or by the authorities subordinate to it (i.e., Heads of Departments The payment of the former class of grants is authorised at the treasury through the Accountant-General while that of the latter class is authorized direct by the sanctioning authority concerned. In the distribution of a grant in-aid covered by these instructions and not relating to a work to be executed through the agency of the Public Works Department, the sanctioning authority concerned will issue the necessary letter of authority to the Accountant-General or the Treasury Officer, as the case may be, for the payment of the amount required for immediate disbursement. The letter of authority will contain instructions directing the Accountant-General or the Treasury Officer, as the case may be, that no drawal shall be allowed except on a regular bill signed by the President or the Chairman of the local body concerned and countersigned by a Government Officer named in the letter of authority. The Government Officer so named shall be the officer charged with the responsibility of satisfying himself that the money is not drawn by the local body in advance of requirements. e. g., in the case of grants by the Urban Sanitary Board, the officer would be the Sanitary Engineer to Government or the Sanitary Executive Engineer to whom he has delegated this duty.
- "3. In the case of grants-in-aid to local bodies for works to be executed through the agency of the Public Works Department, the orders sanctioning the grant-in-aid to the local body and requiring the Public Works Department to execute the work on behalf of the local body as a contribution work, shall be issued simultaneously and the local body shall be informed accordingly. The sanctioning authority will issue a letter of authority to the Accountant-General or to the Treasury Officer, as the case may be, for the payment of the amount required for immediate disbursement. The letter of authority will contain instructions directing the Accountant-General or the Treasury Officer, as the case may be, that no drawal shall be allowed except on a bill presented by the local body and made payable by transfer credit to the Public Works Department (Deposit Works) for the contribution work in question.

<sup>1,</sup> P. G. letter No. 27236-B. (Fin.—Budget), dated 29th October, 1927,

In a subsequent letter<sup>1</sup> it was explained with reference to paragraph 2 above that the officer charged with the responsibility of satisfying himself that the money was not drawn by the local body in advance of requirements should not countersign the bill on which the grant was to be drawn unless it was supported by the actual bills of contractors or suppliers. In this connection the provisions of rules III-8 and XIII-16 of the Municipal Account Code, 1930, as to the maintenance of the Register of Government Grants and Registers of Aided and Loan Works should also be noted.

### SECTION 2.—Water-Supply.

Powers of entry on private property for purposes of constructing or maintaining a water-supply system.

Powers of entry on private property for purposes of constructing or maintaining a water-supply system.

engineering department of a municipal committee are those dealing with water supply and sanitary engineering. There are of course questions connected with water-supply in which the engineering department as such has no interest—

there are for instance the financial and the sanitary aspects—but for the sake of convenience all will be treated together. From the engineering point of view the most important provisions of the Act are those which enable a committee to enter upon private property for the purpose of constructing or maintaining a water-supply system. Section 102 confers the same powers for this purpose as are conferred by sections 132—140 in respect of drainage and the supply of gas. A committee may, therefore, under section 132, take its water pipes into, through, across, under, over or up the side of any sort of private immovable property and may do all acts and things necessary or expedient for repairing or maintaining such pipes. This power is, however, subject to the following conditions:—

- (1) Fourteen days' notice must ordinarily be given in writing under section 134 to the owner or occupier of the private property before any action is taken under section 132.
- (2) In cases where private property is to be entered upon by a person authorised by the committee under section 203 with a view to preventing or removing any nuisance arising from water pipes, only 6 hours' notice is required under section 203 (3), and if the private property is a latrine, urinal or privy no notice at all need be given.
- (3) In cases where private property is to be entered upon by a person authorized by the committee in this behalf under section 205 (a) for the purpose of inspecting or repairing a water-installation or taking readings of meters, twenty-four hours' notice is required.
- (4) No nuisance more than is necessarily caused by the proper execution of the work must be created by any operation under section

132, and compensation must be paid to the owner or occupier for any damage at the time sustained by him and directly occasioned by the carrying out of any such operations.

- (5) Under section 133 pipes must be so laid as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of his property, and reasonable compensation must be paid in respect of any substantial interference with any such right to such enjoyment.
- (6) In cases where action is taken under section 203 and the ground on any private property is opened for the purpose of preventing or removing any nuisance arising from water pipes, the expense incurred in such opening can be recovered from the owner or occupier if such opening was in fact necessary for the prevention or removal of a nuisance: but if it is found that no nuisance exists, the committee must bear the expense and restore the ground to its previous condition.
- Provisions of the Act as to notice before entry discussed

  14 days' notice what may be done after 24 hours' notice contained in sections 134 and 265 is not very clear so far at any rate as entry for the purpose of repairs is concerned. Apparently entry under clauses (a) and (b) of section 205 would require 14 days'

ly entry under clauses (a) and (b) of section 205 would require 14 days' notice in the case of any work connected with lighting, drainage, water-supply, or telephonic system, as only entry under clause (c) is excepted from the operation of section 154. It is, however, difficult to think of any other work which a committee is empowered by the Act to execute or maintain for the purpose of executing or repairing which entry into private property must be preceded by 24 hours' notice, nor is it clear what difference there is between repairing a work under clause (b) of section 205 and repairing an installation under clause (c).

Disputes as to compensation payable under section 132 or section 132 and 133 now regulated by section 224 (2).

Disputes as to compensation payable under section 132 or section pensation payable under section 132 or section 133 shall be settled. Previously to the passing of the Punjab Municipal (Amendment) Act, 1923, section 224 (2) could not be applied to cases of disputes as to the compensation payable under section 133, as section 224 (2) governed only disputes as to the compensation payable for injury to any building or land; by the amending Act, however

cases of disputes as to the compensation payable under section 133, as section 224 (2) governed only disputes as to the compensation payable for injury to any building or land: by the amending Act however disputes as to the compensation payable for injury in respect of any building or land also have been brought within the purview of the section.

208. Section 135 forbids the making of connections or communications with any pipe or ferrule constructed, maintained by, or vested in a committee without permission, and contravention of the provisions of this section has, by the amending Act of 1923, been made punishable with fine up to Rs. 50.

209. Bye-laws may be made under section 188 (e) (vi) to provide for the supervision, regulation, and Water-supply byeprotection from pollution of public wells, tanks. laws. springs or other sources from which water is or may be made available for the use of the public whether within or without the municipality; and under section 88 (1) to regulate the making and use of connections or communications between private houses and premises and mains, etc., established or maintained by the committee. Bye-laws may thus deal with either public or In the case of a public supply by means of a private supply. water-supply system the sources from regular piped water is made available for the use of the public will be the public standposts. In other cases the bye-laws would deal with wells, tanks or natural springs. In most municipalities the only bye-laws with regard to water-supply are bye-laws of this description and are based upon the following model bye-law which was framed by the Punjab Government about forty years ago: "No person shall use for the purposes of bathing, washing or human consumption the water of any public well, tank, spring or stream within municipal limits after the committee has, by public notice, declared the said water to be unfit for the use of man, until the said declaration shall be similarly cancelled." The provisions of this bye-law are now covered by sections 106 and 149 of the Act, and it may be said that to all intents and purposes committees which have only this bye-law have really no bye-laws at all. The following statement shows the municipalities in which bye-laws of any sort with regard to water-supply are in force: -

### Water supply Bye-law.

Municipality.		Notifications.
A bohar		No. 7568, dated 15th March, 1933.
Alipur		No. 102, dated 6th February, 1891,
"하고싶다" 그 교육에는 그는 이 가게 하는 것도 가는 그는 그는 그는 그는 그 모든 그는 그는 그		No. 8, dated 8th January, 1892; No. 502, dated 6th October, 1897.
Amritsar		No. 75, dated 26th January 1906.
Bahadurgarh		No. 620, dated 7th August, 1890.
		No. 406, dated 13th June, 1890; No. 2245, dated 22nd January, 1934.
Banga		No. 1091, dated 9th December, 1891.
Batala		No. 358, dated 2nd June, 1890.
Beri		No. 620, dated 7th August, 1890.
		No. 282, dated 5th May, 1890.
		No. 642, dated 20th July, 1891.

Municipality.		Notifications.
Bhiwani	•••	No. 406, dated 13th June 1890; No. 11474,
		dated 6th April, 1934.
Buriya		No. 406, dated 13th June, 1890.
Çampbellpur		
Chiniot		No. 894, dated 10th October, 1891.
Chunian	• • •	No. 593, dated 1st August, 1890.
Dajal		No. 56, dated 17th January, 1891.
Dalhousie	••	No. 695, dated 14th October, 1913; No. 526 dated 6th January, 1932.
Dera Baba Nanak		NT OFF TAIL TO TE LOOK
Dera Ghazi Khan		No. 3842, dated 7th February, 1927.
Dharmsala		No. 809, dated 25th November, 1886.
Dinanagar		No. 358, dated 2nd June, 1890.
Dinga	• •	No. 396, dated 16th May, 1891.
Eminabad		
Faridabad	• • •	No. 406, dated 13th June, 1890.
Fazilka		No. 15, dated 6th January, 1891.
Ferozepore		No. 15, dated 6th January, 1891.
Firozpur-Jhirka	• • • •	
Gohana	•••	
Gojra	• • •	No. 35867, dated 12th November, 1932.
Gujranwala		
Gujrat	• • •	
Gurdaspur	•••	No. 358, dated 2nd June, 1890.
Hansi	• • •	
Hazro	••	No. 52, dated 16th January, 1891.
Hissar		No. 406, dated 13th June, 1890.
Hodal		No. 410, dated 13th June, 1890.
Hoshiarpur		No. 371, dated 3rd June, 1890.
Isa Khel		No. 48, dated 15th January, 1891.
. Jagadhri		
Jagraon		No. 371, dated 3rd June, 1890.
Jalalpur Jattan		The COO T 1 T 1017 TE 1001
Jampur		The Political Transfer of Apple
Jandiala		
Jhajjar	• • •	No. 620, dated 7th August, 1890.
Jhang-Maghiana		No. 846, dated 21st September, 1891.
Jhelum		No. 374, dated 3rd June, 1890.
Jullundur		No. 1052, dated 29th December, 1890.
Kaithal	4 × 2 × . ••••	
Kalabagh		37 40 1 4 7 4 ELL T 1001
Kamalia		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Karnal	••	137 800 1 1 1 1011 4 1 1001
Karor		37 000 1 1 1 F/L M 1000
Kartarpur	••	No 54 dated 4th Fohmann 1802
강동 없이 함께 하고 있는 것이다.		

Municipality.	Notifications.
Khangarh	No. 593, dated 1st August, 1890. No. 102, dated 6th February, 1891. No. 593, dated 1st August, 1890.
Khushab	1 MT DAG TALL TOOK TALL ACCOUNTS
Kunjah Lahore	<ul> <li>No. 633, dated 18th July, 1891.</li> <li>No. 567, dated 18th August, 1886; No. 10164, dated 14th April, 1919; No. 28379, dated 3rd December, 1923; No. 12661, dated 24th April, 1924; No. 21150, dated 15th September, 1924; No. 878, dated 14th January, 1925; No. 3636, dated 9th February, 1925.</li> </ul>
Leiah	. No. 282, dated 5th May, 1890.
Ludhiana	No. 370, dated 3rd June, 1890; No. 258, dated 29th April, 1910.
Lyallpur	No. 22772, dated 20th October, 1924; No. 527, dated 5th January, 1929; No. 26397, dated 19th August, 1929; No. 32438, dated 29th October, 1931; No. 19728, dated 25th July, 1933.
	. No. 642, dated 20th July, 1891.
Mianwali	
Mithankot	
Moga	NT 404 3 1 1 4413 T 4000
Montgomery Muktsar	No. 15, dated 6th January, 1891; No. 18596, dated 19th August, 1925; No. 28538, dated 19th September, 1931; No. 36379, dated 13th November, 1922; No. 28538, dated 19th September, 1931; No. 8198, dated 20th March, 1933.
Multan .	. No. 324, dated 17th May, 1888.
Murree	No. 306, dated 15th June, 1887; No. 24858, dated 14th October, 1921; No. 12600, dated 27th April, 1933.
Muzaffargarh .	. No. 19235, dated 4th November, 1918.
Nakodar .	. No. 1091, dated 9th December, 1891.
Narowal .	
Nurmahal . Pakpattan .	No. 1091, dated 9th December, 1891. No. 401, dated 11th June, 1890.
Palwal .	No. 410, dated 13th June, 1890.
Panipat .	No. 703, dated 10th August, 1891.
Pasrur .00 . Pathankot	No. 556, dated 21st July, 1890. No. 358, dated 2nd June, 1890; No. 25890,
Delta:	dated 18th August 1931.
-Patti	• 100 to

Municipality.	Notifications.
Phillaur Pind Dadan Khan	No. 53, dated 4th February, 1893.  No. 375, dated 3rd June, 1890; No. 16915, dated 7th June, 1923; No. 28'81, dated 13th August, 1932.
Pindigheb Raekot Rahon Rajanpur Rawalpindi Rewari	No. 52, dated 16th January, 1891. No. 571, dated 3rd June, 1890. No. 19, dated 16th January, 1892. No. 56, dated 17th January, 1891. No. 947, dated 21st November, 1890. No. 410, dated 13th June, 1890; No. 2488 & dated 14th October, 1921; No. 30266, dated 1st October, 1929.
Rohtak  Rupar Sadhaura Sahiwal Sargodha Shahabad Sharakpur	No. 620, dated 7th August, 1890; No. 24198, dated 20th June, 1932.  No. 8, dated 8th January, 1892.  No. 406, dated 13th June, 1890.  No. 642, dated 20th July, 1891.  No. 666, dated 2nd October, 1916.  No. 406, dated 13th June, 1890.  No. 593, dated 1st August, 1890; No. 15776,
Shujabad Sialkot  Simla  Sirsa Sonepat Thanesar Urmar-Tanda Wazirabad	dated 1st June, 1933.  No 491, dated 5th July, 1890.  No. 728, dated 8th September, 1890; No. 772, dated 3rd November, 1916.  No. 547, dated 18th November, 1901; No. 323, dated 17th July, 1903.  No. 406, dated 13th June, 1890.  No. 406, dated 13th June, 1890.  No. 406, dated 13th June, 1890.  No. 21, dated 16th January, 1892.  No. 497, dated 8th July, 1890.
Zira has ones	No. 15, dated 6th January, 1891.

Model water-supply bye-laws.

Committees (vide P. G. Notn. No. 27794, dated 27th September,

# Model bye-laws under sections 188 (v) and 199 (1) of the Punjab Municipal Act, 1911.

1. No person shall bathe or wash clothes or other articles or animals at a public stand-pipe or hydrant or tamper with or damage a public stand-pipe or hydrant, or draw or attempt to draw water from a public stand-pipe or hydrant except by the proper method, or wilfully

waste water or suffer water to run to waste water from a public standpipe or hydrant.

2. (1) No person shall without the written permission of the committee draw or use water from a public stand-pipe or hydrant for other than a domestic purpose.

Explanation.—For the purpose of these bye-laws water for a domestic purpose shall not be deemed to include water—

- (a) for any trade, manufacture, or business; or
- (b) for fountains, swimming baths or for any ornamental or mechanical purpose; or
- (c) for gardens or for purpose of irrigation; or
- (d) for watering roads or paths; or
- (e) for building purposes.
- (2) A person permitted to draw or use water under clause (1) for a purpose other than a domestic purpose shall pay for the water consumed at the rate prescribed in bye-law 9; provided that if water is so drawn or used from a public stand-pipe or hydrant, the amount of water consumed shall be calculated at the rate of gallons per hundred cubic feet of material consolidated if the water is used for the consolidation of a road, or at the rate of gallons per hundred rupees of the value of the building as estimated by the secretary of the \*committee if the water is used for building purposes, unless in either case such person can prove to the satisfaction of the committee the approximate amount of water actually consumed.
- 3. Subject to the provisions of bye-law 20 no connection with the municipal mains for a private water-supply and no alteration or extension of any such existing connection shall be made except on the application of the owner of such premises or his recognized agent, who shall be registered as the consumer and shall be responsible for the observance of the bye-laws, so far as the connection on his property is concerned.
- 4. Every application for a connection with the municipal mains for a private water-supply or for the alteration or extension of any such existing connection shall be addressed to the secretary of the committee and shall be made on a printed form in Form A, a copy of which may be obtained free of charge from the municipal office, and on receipt of the application an estimate of the cost of the connection, shall be prepared and forwarded to the applicant.
- \*If there is a municipal engineer, he should be appointed for this purpose instead of the secretary.

the connection, alteration or extension carried out, he shall deposit at the office of the secretary of the committee the amount of the estimate, and if the connection, alteration or extension is sanctioned by the committee or the officer authorized by the committee in this behalf the work shall be executed only by municipal agency or, to such extent as the committee may permit, by a plumber licensed by the committee in accordance with the Water-Supply Regulations contained in the Appendix.

- 6. All connections for a private water-supply shall be metered.
- 7. The meter shall be supplied by the committee and rent shall be charged for it at the rates specified in bye-law 10 and no person shall tamper with the meter in any way; provided that a member of the municipal staff may, if authorized by the committee in this behalf, have access to the meter.
- †9. (1) With reference to section 97 of the Punjab Municipal Act, 1911, the quantity of water to be supplied free of charge, in consideration of payment of the tax the imposition of which was notified with Punjab Government notification No. \_\_\_\_\_\_, dated \_\_\_\_\_, has been limited as follows:\_\_\_\_\_\_,

Annual value of building in respect of which the tax is paid.	Quantity of water to be supplied per mensem free of charge.		
1	2		
(i) Not exceeding Rs.	<i>(i)</i>	gallons	
(ii) Exceeding Rs. — but not	(ii)	gallons	
exceeding Rs.———			
(iii) And so on	(iii)	gallons	

(2) The registered consumer shall pay each month for water consumed during the previous month in excess of the quantity to be

<sup>†</sup>This form of bye-law 9 should be adopted in a municipality in which a water-tax has been imposed.

supplied free of charge under the provisions of clause (1) at the rate of \_\_\_\_\_ per five hundred gallons, provided that for the purpose of calculating the amount so payable any fraction of five hundred gallons less than two hundred and fifty gallons shall be disregarded and any such fraction not less than two hundred and fifty gallons shall be reckoned as five hundred gallons.

- (\*9. The registered consumer shall pay each month for water consumed during the previous month at the rate of—per thousand gallons; provided that for the purpose of calculating the amount so payable any fraction of five hundred gallons less than two hundred and fifty gallons shall be disregarded and any such fraction not less than two hundred and fifty gallons shall be reckoned as five hundred gallons.)
- 10. In addition to the charge specified in bye-law 9, meter rent shall be levied in accordance with the following scale:—

Size of meter.	Monthly-rate.
3/8 inch	
1/2 inch	
3/4 inch	
1 inch	

and meter rent shall be charged for the period during which the meter is installed, whether it is in working order or not;

Provided that if the total period for which charge is to be made is not more than fifteen days in any one month, such period shall not be reckoned, and a period of more than fifteen days, but less than one month, shall be reckoned as one month;

Provided further that no charge shall be made by the committee for the cost of repair or renewal of a meter unless such repair or renewal has been necessitated by wilful abuse or negligence on the part of the registered consumer.

- 11. The registered consumer in respect of any metered connection may challenge the correctness of his meter on payment of a fee of four rupees; and if, on examination, the meter is found to record five per cent. or more in excess, the fee shall be returned.
- 12. If in the course of any month a meter is found to be registering not less than five per cent in excess, the consumer shall be entitled to have the charge made to him for consumption of water

<sup>\*</sup>This form of bye-law 9 should be adopted in a municipality in which no water-tax has been imposed.

reduced proportionately for the period from the first day of the month previous to the month in which the fee referred to in bye-law 11 is deposited to the day on which the meter is set right.

- 13. If in any month the meter of any connection ceases to register or has been removed for repair or renewal, the committee shall be entitled to charge for that month an amount equal to the average amount levied for the corresponding month of the previous year and the two months preceding such month, or if the connection was not in existence or the supply had been cut off during such period, an amount not less than the amount levied during the month previous to the month in which the meter ceased to register or was removed for repair or renewal.
- 14. The bill of demand for meter rent and water-supply shall be presented to the consumer by the secretary of the committee each month and shall be paid within seven days from the date of presentation of the bill.

Explanation.—For the purpose of this bye-law a bill shall be deemed to have been duly presented if it is presented in the manner prescribed for the service of a notice in section 215 of the Punjab Municipal Act, 1911.

- 15. No house or premises shall be supplied with water from the service connection of any other house or premises.
- 16. No portion of any water connection or of the pipe or main leading to it shall be tampered with by any consumer in any way whatever, whether for the purpose of repair, alteration or any other purpose, except with the written permission of the committee;

Provided that every consumer shall maintain the taps, pipes and other fittings inside the premises in water-tight condition.

- 17. A connection may at any time be cut off at the request of the registered consumer or by order of the committee for any of the following reasons:—
  - (a) in the interest of the water works;
  - (b) for the purpose of effecting repairs to any part of the water-supply system;
  - (c) if the bill for water-supply and meter rent remains unpaid for a period of one month from the date of presentation of the bill to the consumer;
  - (d) in any case where, in the opinion of the president or the secretary of the committee or the municipal medical officer of health, the use of water causes the premises to become insanitary; or

(e) in any case where, in the opinion of the president or the secretary of the committee or the municipal medical officer of health, adequate drainage arrangements have not been made for the disposal of waste water.

Explanation.—The cutting off of a connection means merely the closing of the stop-cock.

18. Any registered consumer who wishes to close his connection shall give seven days' notice to the secretary of the committee and no charge shall be made for water or meter rent after the expiry of the period of the notice.

Explanation.—The closing of a connection means the removal of the meter and the severance of the service pipe from the communication pipe.

- 19. Any application for restoring a connection which has been closed shall be dealt with as if it were an application for a new connection.
- 20. If any person, other than the owner of the premises to which a connection has been made or his duly authorized agent wishes to re-open a connection or to keep open a connection which would otherwise be closed he shall enter into an agreement with the committee undertaking the responsibilities of the registered consumer and shall remain responsible for the connection so long as it remains open and, if the committee thinks fit, such person may be called upon to deposit a sum of thirty rupees as security for the cost of water to be supplied and such amount shall be kept intact and not set off against any money due from such consumer until the connection is closed.
- 21. Any person who commits a breach of bye-law 1, 2, 3, 7 or 16 shall, on conviction by a magistrate, be punishable with fine which may extend to fifty rupees and, if the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

### FORM A.

1	B	YI	C-I	Α	w	4.	.)

Municipality.

No. , dated

Application for a private connection for water-supply from the distribution mains of the municipal committee of————.

For houses or  $\left\{\begin{array}{l} No. \\ No. \\ \end{array}\right\}$  Street or road, kucha or bazar.

To

The Seretary,

Municipal Committee,

SIR,

I beg to request that a metered supply of water for\*

purposes may be sanctioned for the premises specified above and that
the municipal committee of \_\_\_\_\_\_ will arrange to
carry out the work. The particulars of the fittings required are given
below.

- 2. I undertake to act in respect of the said supply in conformity with the bye-laws and regulations made by the committee and also with such amended bye-laws and regulations as may be made by the committee from time to time for the regulation of connections between private houses or other premises and the water-supply mains of the committee.
- 3. I sigree that the committee shall, with or without notice) have power to close or sever at any time the private service pipe to my, premises if it considers it advisable or necessary to do so for any reason whatsoever.

Yours faithfully,

(Signature of the owner, or his recognized agent,

of the premises specified above)

<sup>\*</sup>Domestic or other than domestic.

### Particulars of private connection.

	Approximate length and diameter of service pipe
	Number and diameter of taps————————————————————————————————————
	Diameter of ferrule on distribution main———————
ad.	Diameter of stop tap————
e dans	Diameter of water meter———
	Position of meter and stop tap and how to be protected
	Signature———
	Cost of connection.
	ferrule complete Rs.
	ft. galvanized water tubing
	inches in diameter laid complete
	stop tap fixed complete Rs. —
	meter installation charges only, including box of cast iron or wrought iron Rs.
	No. ————bib taps fixed complete Rs. ———
	No.————————————————————————————————————
	No. ————————————————————————————————————
oil.	Total Rs.
	Dated 19.

### - APPENDIX.

(Bye-law 5.)

### Water-Supply Regulations.

1. All work connected with the making, alteration, extension or repair of private connections shall be carried out by municipal agency or, to the extent which the committee may permit by a licensed plumber, under the supervision of the municipal engineer or other officer appointed for that purpose and all materials required for such

work shall be provided by the committee at the cost of the owner of a private house or his recognized agent.

- 2. The pipes and fittings of house service connections shall consist of the following sections:—
  - (a) the ferrule connecting the communication pipe with the supply pipe, such ferrule to be made of hard brass or gun metal;
  - (b) the communication pipe from the ferrule to the stop-cock and the service pipe or pipes from the stop-cock to the taps, such service pipe or pipes to be of galvanized iron, solid drawn or lap welded, of British manufacture and of the strength known as "water strength";
  - (c) a brass stop-cock of the screw down pattern having the same water way as the pipe, such stop-cock to be placed at or near the point of entrance of the service pipe to the premises to be supplied with water or if necessary within such premises for the purpose of shutting off the water and regulating the supply, and to be provided with a cover box of cast iron or wrought iron and furnished with a lock and key, such key to remain under the control of the municipal engineer or other officer appointed by the committee for that purpose;
  - (d) the taps, which shall, wherever fitted, be of the screw down pattern with crutch handle; and
  - (e) the meter, which shall, if possible, be placed in the same cover box as that in which the stop-cock is placed, and shall be fixed in a position where it is not liable to injury but can be easily inspected: provided that if the meter is placed in a separate box, the box shall be of cast iron or wrought iron and shall be placed as near to the stop-cock as possible in a position where the meter can be conveniently examined and the box shall be fitted with lock and key and the key shall remain under the control of the municipal engineer, or other officer of the committee appointed for that purpose.

3. The number of taps to each ferrule connection and the dimensions of ferrule interior pipes and taps for water shall be of the following relative sizes only:—

Diameter	DIAMETER OF BUIL	PIPES INSIDE DING.	Size of taps	Number of
of ferrule.	Lower floor.	Upper floor.	0.72	taps for each ferule connection.
*	*	*	*	*

- 4. All taps and fittings for service connection shall be capable of standing a test pressure of three hundred pounds per square inch of water without damage or leakage.
- 5. All service pipes shall, if possible, be laid not less than two feet below the surface of the ground.
- 6. All pipes and fittings laid above ground shall be securely fastened to a wall or other immovable structure by means of strong wrought iron clamps.
- 7. No service pipe or fitting shall pass alongside any sullage drain, sewer, latrine, ashpit or soakage pit, and no service pipe shall enter a building through the same opening as gives exit to a sullage drain.
- 8. No tap shall be fixed at a distance of less than two feet above the surface of the ground.
- 9. No service pipe shall be connected directly with a boiler for generating steam and every cistern, tank, reservoir or other vessel, which is supplied with water from a service pipe shall have the discharge end of the service pipe or the tap at a distance of not less than six inches from the highest water level of such cistern, tank, reservoir or other vessel.
- 10. In the case of a connection for the supply of water for other than domestic purposes, the ferrule, when tapped into a municipal main of less than six inches in internal diameter, shall be half an inch in diameter, and, if tapped into a municipal main of six inches or more, but less than eight inches in diameter, shall be not more than three-fourths of an inch in diameter.

<sup>\*</sup>Details required should be filled in after consulting the Superintending Engineer Public Health Circle.

Metering of private house-connections.

by the Urban Sanitary Board, which now makes it a condition of all grants for water-supply works that the bye-laws shall be adopted by the local bodies concerned. One of the provisions of the bye-laws is that all private house connections shall be metered, a point to which the Urban Sanitary Board, after the fullest consideration of the question, attaches the greatest importance. An expert committee was appointed

Urban Sanitary Board, after the fullest consideration of the question, attaches the greatest importance. An expert committee was appointed by the Board in 1922 to investigate the matter and submitted its report in 1926 After explaining that owing to financial considerations municipal water-supply schemes in the Punjab have ordinarily been designed to provide a daily allowance of about 8 or 10 gallons per head of the population, the committee quotes the following description of the usual sequence of events:—

"The members of the municipal committee first connect up their own houses, then friends of municipal councillors and other influential persons insist on their houses being connected; finally every house-holder sufficiently articulate Metering of house connections is never required and every householder with a house connection proceeds to inactivate his taps. The effect on the watersupply is of course disastrous. In the case of the pumping plant the pumps are now delivering water into an open sieve and when they stop working the water-supply ceases. The supply then becomes the worst type of intermittent supply, i.e., for a certain number of hours during the day there is a low positive pressure in the mains, but when the pumps cease working negative pressure is established with consequent insuction of air and possibly of other matter. Once house connections are permitted, this state of affairs is quickly established and the first remedy attempted by the municipal committee is to overwork the pumping plant and staff. The plant is usually designed to work ten hours daily and this working journey is extended until finally pumps and staff are working 24 hours per diem. Ultimately even this expedient fails as, owing to the increasing size of the "sieve" in the shape of more inactivated taps, the pumps are unable to supply enough water to run through every tap. Only those householders who are favourably situated with regard to potential pressure on the distribution system can obtain water and a general outcry ensues. This stage having been reached, the municipal committee then asks for increased pumping plant and a more extended source of supply.

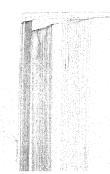
The committee then proceeds to show from the examples of Calcutta and Bombay that even if a source of supply of unlimited capacity is selected, it is impossible to cope with the wastage of water that occurs through unmetered connections. In Calcutta the daily allowance was 75 gallons per head, but the supply was deficient in

amount and intermittent in character, and the Corporation was compelled, at a cost of Rs. 2 crores, to increase the supply from 70 to million gallons per diem. In Bombay time after 110 the supply has been increased, but time after time it has proved insufficient. Holding then that the necessity of metering is established, the committee meets a number of arguments which had been advanced to show that the introduction of universal metering in the Punjab was impracticable. To the argument that house connections are not metered in England or in any large city in India and that it is therefore unreasonable to expect that the time is ripe for the introduction of metering in the Punjab, the committee replies that in England all houses alike have to be connected up and water rate is assessed on their rental value. The mains, moreover, are metered and efficient municipal arrangements exist for the detection of waste on the part of consumers, whereas in India the sense of civic responsibility is at present undeveloped and it is clear that the metering of mains and of house connections is the only available means of preventing waste. The fact that meters have not been introduced on a large scale in big cities like Calcutta and Bombay constitutes in the opinion of the committee no proof that metering is unsuited either to the Indian climate or to the Indian temperament. Universal metering has been successfully introduced in Simla and New Delhi and the failure of the municipal authorities in Calcutta and Bombay to accept the advice of their expert advisers gives no ground for inferring that the climate of India or the psychology of its people has any bearing on the question. As to the argument that metering would be an unpopular innovation, the committee points out that the great majority of the population cannot in any case afford private house connections. While, therefore, metering might be unpopular with the small well-to-do classes, there is no reason why it should be unpopular with the bulk of the population, who would, thanks to metering, receive a far better supply from the public standposts than they could do if most of the available water were allowed to run to waste through private connections. Similarly, the argument that the installation of meters would tend to check the free use of water and that therefore the metering system is opposed to one of the first principles of hygiene is met by pointing out that it is easy to arrange that every householder shall receive in return for the payment of water tax a quantity of water sufficient for all hygienic requirements, while the poorer classes will, as indicated above, receive a better supply from the public standposts. The idea that the cost of universal metering is prohibitive is also shown by the committee to be incorrect. The initial cost can be met by a loan, and a small monthly charge as rent for the meters would be sufficient not only to provide for the maintenance of the meters including replacements, renewals and repairs, but also to pay the interest on the capital outlay.

Financing of watersupply.

212. It will be observed that the model bye-laws contain many provisions as to the charges to be made for water, cost of making private connections, meter-rent, etc. It is not necessary that such

matters should be regulated by bye-laws but it is convenient that all the regulations should be collected in one notification for the information of the public, and in any case charges made for water under section 97(2) require the approval of the Local Government. Before the passing of the Punjab Municipal (Amendment) Act, 1923 the Punjab Municipal Act (section 61-B (h)) specifically permitted a tax, payable by the occupier or, if there were no occupier, by the owner to be imposed on the annual value of such buildings and lands as were so situated that their occupiers, could benefit by the works, for the purpose of constructing or maintaining works for the supply of water to the municipality or paying the principal or interest or both of any loan raised for the construction of the works. In the Act as now amended no such specific provision is made and the power to impose such a tax as was previously permissible (and was imposed in the municipalities of Simla, Murree, Sargodha, Dalhousie and Dharmsala) is now contained in the general provisions of sub-section (2) of section 61 of the Act, for among the taxes which may be imposed with the previous sanction of the Local Government under this sub-section are taxes "imposed in return for services rendered such as a water-rate" (vide item 11 (a) of Schedule II of the Scheduled Taxes Rules quoted in the note to section 61 (2) in Part I of this book. In addition a committee is authorized by sections 97 and 98 of the Act to charge for water supplied through private connections at rates to be fixed with the approval of the Local Government; provided that in municipalities where a tax under section 61 is levied no charge may be made for water supplied up to the limit of the amount, payment for which is to be considered as covered by the tax. Charges are made for water in this way in the municipalities of Ambala City, Amritsar, Dera Ghazi Khan, Lahore, Ludhiana, Lyallpur, Muktsar, Sialkot and Simla (vide Part I, note to section 97). If a water-tax alone is imposed, a very high rate on the annual value of bulidings and lands must be fixed if it is to pay for the whole water-supply in a town while if only water supplied through private connections is charged for, no recovery can fairly be made of the cost of the free public supply made through street hydrants. If therefore the water supply system of a municipality is to be self-supporting, as it should be, there should be both a tax and a charge for water supplied through private connections. Before the Act was amended in 1923 it was not possible for a committee to run its water-supply undertaking as a business concern as the law. provided that the total net proceeds of a water tax together with the estimated income from water supplied from the works under sections 97 and 98 should not exceed the amount required for the purpose of constructing or maintaining works for the supply of water or paying the principal or interest or both of any loan raised for the construction of such works. By "net proceeds" was presumably meant the proceeds of the tax after deducting the cost of collection. Presumably also maintenance charges would have been considered to include allowance for depreciation of buildings, machinery, pipe-lines, etc., but if a tax was imposed it was not permissible to realize from it enough to cover interest on the capital invested in addition to providing for the other charges detailed above. This difficulty has now been removed



and there is no reason why every municipal water-supply undertaking should not be run as a purely business concern. To enable this to be done however proper accounts must be maintained and the capital expenditure whether financed by Government grants or by loans or from municipal revenues should be regarded as a debt against the enterprise to be repaid or at any rate to earn interest for the committee, while on the other hand in the revenue account of the undertaking credit should be taken for the value of all water supplied for municipal services, for watering roads, flushing drains, for the free supply in public hydrants, etc., etc. No form of capital account has been prescribed as yet in the Account Code, but provision is made in the prescribed form of revenue account for showing on the income side book recoveries for water supplied for municipal services while on the expenditure side a very detailed classification of charges is prescribed. From the prescribed revenue accounts it should not be difficult to draw up a regular profit and loss account in the form suggested below. In addition the capital accounts suggested should also be maintained if the committee is to know how it stands in respect of the undertaking.

Municipality.

# WATER-WORKS CAPITAL ACCOUNT.

Year ending 31st March, 19

Liabilities.	Amount.	Assers.		Amount.
Frant from Government 1920 Loan Account—Balance at beginning of year 75,000 1920 Loan Account—Balance at beginning of year 75,000	2,50,000	Building Account—Balance at beginning of year less depreciation	90,392 1,808	
Contribution from	000'02	Machinery Account—Balance at beginning of year 1, less depreciation	.59,925 10,446	88,584
revenues——Balance at beginning of year 90,000 less amount transferred from		Distribution Account—Balance at beginning of year 1 less depreciation	1,07,342	1,49,479
credited to municipal revenues 4,000	000'98	Depreciation Funds—Balance at beginning of year 1 plus amount added in 1926 plus interest account in 1936	1,00,468 15,474 4.019	1,04,122
Balance excess of assets over liabilities	56,146			1,19,961
Total 4,62,146	4,62,146		otal	Total 4,62,146

Building
Water-works Machinery Account (Capital).
Distribution

	Remarks.	
	year.	
2. 2.	to bue at endaV	
1931—39	Amount depreciated 110-naitten or written-	
-31	Value at end of year.	
1930—31	Amount depreciated or written-off.	
	Value at end of year.	
1929—30	Amount depreciated file.	
-29	Value at end of year.	
1928—29	hetaioerqeb tanomA.	
1927—28	Value at end of year.	
	betaiserdeb tanomA .ffo-nettirw 10	
nme sjne	Original cost (or voluged trom last voluged to the contract of the contract of the cost of	

# WATER-WORKS PROFIT AND LOSS ACCOUNT. Municipality of\_

Year ending 31st March, 19

41	Vext income for ourren year 19 — 19	T	[
	Total.		Total
Deductions	account of arrears.  of previous years.  I mount received in advance on account of next year.		
I	Smount received on	carrie	
CROSS	rent year.	icipal revenues carried to	
	Head of Income.	Water Tax. Sale of Water— (1) Water rate. (2) Cost of water for municipal services (5) Meter-rent. (4) Miscellaneous. Total Sale of Water. Recoveries for works done for individuals. (1) Frivate individuals. (2) Municipal institutions. Fotal recoveries for works. Total recoveries for works.  Total recoveries for works.  *Loss for debit to municipal capital account.	Total
-an	Net expenditure for c rent year 19 - 19		2. c s
	Lotal.		Total.
DEDUCTIONS.	years. Amount expended in advance on account of next year.	70	rding as
DED	A mount expended on a succount	revenues	000
	Total	al rev	native
Cross Expenditure.	Amount actually ex- pended in the cur- rent year. Amount due to sup- pliers, etc., on acct. of the current year,	to municipal	
	Expenditure.	Direction Collection of Revenue. Cost of Canal Water. Maintenance— (1) Building and Reservoirs. (2) Machinery. (3) Distribution. Total Maintenance. Water Analysis. Depreciation— (1) Buildings and Reservoirs. (2) Machinery. (3) Distribution. Total Depreciation. *Balance profit for credit to carried to capital account.	*Note.—These entries

213. So far only the control of water-supply by a regular piped system has been discussed The Act also Powers of committees confers powers, which have been mentioned in respect of sources of incidentally, to protect a water-supply from water-supply other than a regular piped supply. wells, tanks, springs etc., from pollution. The nature of those powers is indicated in the following statement :-

Section.	Description.
106	Power to prohibit bathing or washing animals or clothes in any public place not set apart for the purpose. This power can be used to prevent the pollution of water used for drinking purposes.
128	Power to require removal of drains, privies, latrines, etc., within 50 feet of any spring, tank, etc., from which water is or may be derived for public use.
149	Power to prohibit the use of unwholesome water. This is, as it were, the converse of section 106.
188 (e)(vi)	Power by bye-law to provide for the supervision, etc., of public wells, tanks, springs, etc.

Powers of hill municipal committees under sections 103-105.

215. Sections 103—105 also confer certain powers on the committees of the four hill municipalities in respect of requiring owner of buildings to provide and maintain reservoirs, etc., for the storage of rain water for use in flushing drains and

for any purposes other than for the purpose of being used as drinkingwater. Section 188 (m) confers power to provide by bye-law also for these matters.

### SECTION 3.—Sanitary Engineering.

215. Most of the provisions of the Act with regard to the mak-

Provisions with regard to construction of watersupply systems apply also to construction of drainage and sewerage systems.

ing and maintenance of drains, sewers, etc., are identical with those which have already been discussed in connection with water-supply and need no further consideration. It may, however, be noted that the making or altering of drains leading into any of the committee's sewers or drains without permission is penalized

by section 130, and that the committee can under section 136 itself establish or require the owner to establish connection from any drain or sewer to any premises. Section 140 (2) empowers a committee to require any courtyard, alley or passage between two or more buildings to be paved, by the owner or part-owner of such buildings, with such materials and in such manner as may be approved by them. In practice it will usually be found desirable to arrange that the municipal engineering department shall do the work and the person served with the notice pay for  $i\epsilon$ .

## SECTION 4.—Instructions and Regulations of the Public Works Department with regard to Municipal Works.

216. The following rules relate to works undertaken by the Public Works Department on behalf of local bodies.

### P. W. D. MANUAL 9.112.

Under the P. W. D. Code, 861, officers of the P. W. D. are empowered to undertake contribution works up to Rs. 500\* (and Rs. 1,000 for selected officers) in the case of Executive Engineers and above Rs. 500\* (or Rs. 1,000\*) but up to Rs. 10,000\* in the case of Superintending Engineers, subject to the condition that the rules in P. W. D. Code, 862 to 865, governing the execution of such works are strictly observed and that departmental charges are levied as laid down in paragraph 11.94.

### P. W. D. MANUAL 11'94.

### Establishment and Tools and Plant charges—

- - (a)  $16\frac{1}{2}$  per cent. for Establishment.
  - (b)  $1\frac{1}{2}$  per cent. for ordinary Tools and Plant.
  - (c) 1 per cent. for Accounts and Audit Establishment.

(iv). The percentage charges for ordinary Tools and Plant are not to be levied in the case of contribution works on which P. W. D. Tools and Plant are not used.

### P. W. D. MANUAL 9'113.

In the event of application being made to a Superintending Engineer by a municipality for professional aid either in designing or carrying out works, and the Superintending Engineer does not consider the staff at his disposal sufficient, he should refer the matter to the Local Government in the P. W. D. Executive Engineers

<sup>\*</sup> Exclusive of the provision for establishment and tools and plant charges,

should refer such cases to their Superintending Engineers under similar circumstances.

### P. W. D. MANUAL 8.24.

Contracts for the execution of "contribution" works should be prepared on P. W. D. Forms, but the name of the public body...for whom work is to be done, should be substituted throughout the contract for the words "the Secretary of State" or "officer acting on his behalf." The items of the proposed contract should be approved by an officer of the P. W. D. competent to conclude such contracts on behalf of Government Department approval having been accorded, the officer in charge of the work should first obtain the signature of the contractor on the contract and explain to him that Government is not a party to the contract, as in case of litigation it is the principal (public body...) and not the agent (P. W. D officers) who must be sued. He should then have the contract completed by obtaining the signature of the other contracting party. Contracts for works undertaken behalf of municipalities should be signed by the president committee \* ..... All and two members of the municipal contracts in connection with contribution works must be reduced to writing....If the principal for whom the work is being performed is sued, the officer in charge of work is required to afford every assistance possible to the defendants and their legal advisers.

Transfer of provincial properties to local bodies.

217. The following rules relate to the transfer of provincial properties to local bodies:—

### P. W. D. MANUAL 10:11-10:17.

- 1011. See P. W. D. Code 138 and note to 919, rule XIII. The transfer of provincial properties to local bodies for maintenance is regulated as follows:—
  - (i) Works of all kinds proposed for transfer, roads as well as buildings, must be surveyed and compared with a fixed transfer standard.
  - (ii) When the works are below standard, funds (? allowance) must be made for the circumstance at the time of transfer, and if the work is one which it is proposed to bring up to standard, funds must be allotted which are estimated to be sufficient for that purpose.
  - (iii) An estimate must be made of the annual cost of maintaining the accepted standard of efficiency, and such estimate will be taken as the guide for allotting funds to

<sup>\*</sup>But vide sections 46 and 47 of the Act.

the local body concerned to enable it to undertake the service.

- (iv) Transferred works shall be open to inspection at least once a year by officers of the P.W.D. appointed in this behalf by the Local Government. If from the reports of such officers it appears to the Local Government that the standard of efficiency is not maintained, the local bodies concerned may be required to remedy defects, or the necessary work may be performed at their expense in accordance with the provisions of the law for the time being in force and the rules made thereunder.
- (v) Repairs to buildings transferred to local bodies for maintenance, must be in the same style as the original work, unless the local body gives its consent in writing to the alteration proposed, or the approval of the Local Government be previously obtained.
- 10·12. (i) Any savings from Government grants that may have accrued since the buildings or roads were made over to the local bodies, should first be appropriated for special repairs and provincial funds should not be allotted for such repairs until all the savings from previous grants have been exhausted.
- (ii) It should be noted that a board or committee is not bound consequent on the acceptance of a transfer grant for maintenance to provide funds for any important additions or material alterations to a building, the necessity of which may be recognized by competent authority. In such cases the P. W. D. will find the funds. It will doubtless be generally convenient for the local body-in-charge to carry out the work. Suitable arrangements can, however, be made according to the merits of each case.

Note.—Maintenance grants for buildings should not be spent on roads.

- 10.13. The following documents should accompany each proposal for the transfer of provincial properties to municipalities or district boards for maintenance:—
  - (i) A detailed estimate of the cost of future annual repairs including 13½ per cent. on account of Establishment and 1½ per cent. for Tools and Plant charges, together with a copy of all measurements relating to the properties from the Standard Measurement Book prescribed in P.W.D. Code 721;
  - (ii) A detailed estimate of any special repairs necessary to put the buildings or roads into proper order prior to their transfer;

- (iii) A statement in Stereo. B. and R. Form No. 322;
- (iv) A copy of the resolution of the municipality or district board accepting the transfer of the buildings or roads on the terms proposed, and stating from what date the transfer should take effect.

Note.—It will be optional for the Local Government in the P. W. D. to direct that the special repairs referred to in clause (ii) above, be carried out prior to the transfer of the buildings or roads to the local bodies concerned, or permit the local bodies to do the repairs themselves from provincial funds as may seem expedient.

10.14. Proposals for the transfer of provincial properties to local bodies for maintenance should not be brought forward unless it can be clearly shown that the local bodies concerned are in a better position than the P. W. D. efficiently and economically to maintain the buildings or works proposed to be transferred to them.

# 10:15. Statements A, B and C showing—

- (i) the Provincial Public Works buildings and roads placed under the charge of local bodies in the Punjab;
- (ii) sanctioned grants-in-aid to local bodies for engineering establishment; and
- (iii) the local works taken over by the P. W. D. from local bodies in the Punjab,

are corrected in consultation with the Local Government in the P.W.D. and published quinquennially by the Local Government in the Civil (Financial) Department. See also paragraph 9.36.

- 1016. Local bodies are merely entrusted with the management and maintenance of Government properties, and for the efficient discharge of this duty securities are taken by law. Transfers for this purpose will not affect in any way the title to the properties which will remain vested in the Government.
- 10:17. Provincial properties transferred to local bodies for maintenance, under the operation of the above rules, should not be struck off the registers of provincial properties (paragraph 10:5) without the previous sanction of the Local Government in the P.W.D.

Note.—Rules with regard to provincial properties in charge of municipal committees made under the Punjab Municipal Act, 1911, will be found above.

218. The following rules as to the terms on which municipal committees can obtain the services of the Electrical Engineer to Government, Punjab, were published in P.G. (P.W.D., Buildings and Road

Branch Notification No. 3362-G, dated 22nd October, 1926.

1. Municipal committees and other local authorities in the Punjab are entitled to the advice and services of the Electrical Engineer in connection with the preparation and carrying out of schemes for electric installations, but will be required to pay to Government the fees noted in the schedule.

5. Fees payable under these rules will be paid into the nearest treasury by the person or body from whom the fee is due. The treasury receipt for fees which are payable on application or in advance will be delivered to the Electrical Engineer before he commences any work provided for in the schedule. The treasury receipt for fees payable on completion of work will, except in the case of fees payable under item (v) of the Schedule, be delivered to the Electrical Engineer before he supplies any report, estimate or the like.

### SCHEDULE OF FEES.

- (i) For preliminary advice or No fee.
- (ii) For preliminary report, sketch or project, etc.

For projects estimated to cost 1 lakh or more:—

Rupees 3,000, half to be paid on application and half on completion.

For projects estimated to cost less than 1 lakh:—

Rupees 1,500, half to be paid on application and half on completion.

- (iii) For examination and report on project prepared by another agency.
- One-fourth per cent. of the estimated capital cost to be paid in advance.
- (iv) For preparation of project in detail with the specifications, drawings and form of tender.

Half per cent. of the estimated capital cost plus the fee payable under (ii) above if it has not already been paid: half to be paid on application and balance on completion.

(v) For report on tender, super-

Half per cent. of the estimated

vision of erection, checking and passing of bills, etc., by the Electrical Engineer or his Assistant or by a special officer appointed *ad hoc*.

capital cost: half to be paid on commencement of the work and the balance on completion.

- (vi) For drawing up a draft application and form of license for a prospective licensee.
- Rupees 500 (half to be paid on application, and half on completion).
- Note 1.—The fees prescribed above are subject to reduction or remission in special cases at the discretion of the Local Government.
  - ,, 2.—If a party for whom a project has been prepared does not avail himself of it within a specified time Government will be at liberty to hand over the project to any other party who may ask for it, on payment of half the cost.
  - ,, 3.—In addition to the fees prescribed in the above schedule, travelling allowance under the Fundamental Rules, or other rules for the time being in force, shall on demand be paid in the manner prescribed in rule 5 of the rules, by the Department, State, Local Authority, or person engaging the services of the Electrical Engineer under these rules, on account of journeys performed by the Electrical Engineer or by any members of his staff in connection with any project for which his service have been engaged.

### CHAPTER VIII.

### EDUCATION.

Under sub-section (2) of section 52 of the Punjab Municipal Act, 1911, the municipal fund is applicable Expenditure on Eduamong other things to the construction, establishment and maintenance of schools and other institutions for the promotion of education, to grants-in-aid to schools and other educational institutions and to the training of teachers and the establishment of scholarships At one time committees were required by rule to provide each year for education a sum equal to 10 per cent. of their annual income, but this requirement was cancelled in 1908, and it was d cided that the provision of adequate sums for education should be secured through the general control exercised by the Commissioner over municipal budgets, the Inspector of Schools and the Director of Public Instruction being empowered to represent matters to the Commissioner if in their opinion the provision made by a committee was inadequate—(vide P. G. Resolution No. 10478 (Financial), dated 2nd July, 1908. This is now provided for in rules II-7 and II-8 of the Municipal Account Code, 1930 under which as soon as the final edition of the budget has been passed a copy of the portion relating to the Education Department together with a statement showing the opening balance, total income, total expenditure and closing balance of the coming financial year has to be forwarded to the Inspector of Schools so that he may make any representation he may deem fit with respect to the provision made for education, and the Commissioner after considering any representation made to him has power to return the budget to the committee for reconsideration.

As to the policy of committees in educational matters there is little which can suitably be noted here. Com-Compulsory primary mittees are bound by the rules contained in the education. Punjab Education Code for the time being in force so far as they apply to local bodies (vide Part II-V.-1) and what with this and the control exercised by the Education Department through the grants on which committees so largely depend for financing their educational institutions, there are not many ways in which a Committee can take an independent line. In respect of the enforcement of compulsory primary education, however, committees have the fullest discretion and the manner in which they may discharge this very important responsibility deserves some notice The Punjab Primary Education Act, 1919 is printed in Appendix W. It will be seen that order to introduce compulsory primary education a meeting of the Committee has first to be convened specially for the purpose and resolution proposing to apply Part II of the Act to the whole or part of the Municipality has then to be passed by a majority of twothirds of the members present at the meeting. The committee has

then to publish its resolution and give time for persons concerned to submit any objection they may have to the proposal. Any objections received have to be considered at another meeting specially convened for the purpose and if they are overruled by a majority of two-thirds of the members present or if no objections are received the Committee may forward its proposals to Government, submitting at the same time a statement showing the school accommodation, equipment and educational staff required and the amount of expenditure thereon it is prepared to supply. The form of statement prescribed for this purpose by the Education Department has been given at the end of the Act in Appendix W. When the proposal and statement have been sanctioned by Government the Committee has to pass a resolution directing the application of Part II of the Act in accordance with the proposal and this direction has to be published in the Gazette. When Part II of the Act has been applied any parent (an expression which includes guardian) of a boy of school-going age who fails without reasonable excuse to cause such boy to attend school and any person who uses the services of such a boy during school hours becomes liable to a penalty, but as prosecutions for offences under the Act can only be lodged by a school attendance committee compulsion cannot be enforced until the committee has made bye-laws under section 19 of the Act prescribing the constitution, duties and powers of its school attendance committee or committees. The following model bye-laws have been recommended for this purpose by the Ministry of Education:—

### Model Bye-laws under section 19 of the Punjab Primary Education Act, 1919.

The following bye-laws made with the previous sanction of the Punjab Government (Ministry of Education) by the notified area committee of , in exercise of the powers conferred by section 19 of the Punjab Primary Education Act, 1919, are published for general infomation and shall come into force on the day of 19.

### BYE-LAWS.

1. These bye-laws shall extend to Ward Nos.

Extent within the limits of the municipality in the district of

- 2. In these bye-laws, unless there is anything repugnant in Definitions. the subject or context—
  - (a) "School-going age" means any age not less than six years and not more than eleven years; provided that the expression shall mean any age not less than seven

years and not more than twelve years when the age limits are varied under sub-section (3) of section 9 of the Act.

- (b) "the Act" means the Punjab Primary Education Act, 1919;
- (c) "the committee" means the school attendance committee.
- 3. A committee shall at the option of the municipal committee

  School attendance committee.

  be established either for the whole area within the limits of the municipality or for each election ward or such group of the election wards as may be found to be convenient.
- 4. (1) The committee shall consist of five members to be appointed by the municipal committee by resolution at a general meeting from among the residents of the municipality.
- Term of office of (2) The term of office of a member shall be three years.
- (3) An outgoing member shall, if otherwise qualified, be again eligible for appointment.
- (4) The municipal committee may remove any member of a Removal of a member. committee who is in its opinion unfit to act, or persistently remiss in the discharge of his duties as a member, or fails to attend three consecutive meetings of the committee.
- (5) Upon the death, resignation or removal of any member his place shall be filled by appointment in the manner provided in clause (1) of this bye-law.
- (6) The term of office of a member appointed under clause (5) of this bye-law, shall be the unexpired portion of the term of office of the member in whose place he has been appointed.
- (7) Notwithstanding anything contained in clauses (2), (4) and (5) of this bye-law an outgoing member shall, unless the municipal committee otherwise directs, continue in office until his successor is appointed.
- School attendance officer shall be appointed by the municipal committee either for the whole area within its limits to which compulsion has been applied or for each area for which a committee has been appointed.

President and secretary of the school attendance committee.

6. The committee shall elect one of its members to be the president of the committee and shall also appoint one of its members or its school attendance officer to be the secretary of

the committee.

Meetings how and when to be convened.

- 7. (1) The committee shall meet at least once in every month on such date and at such time and place as may be fixed by the president.
- (2) On the requisition of at least two members of the committee, the president shall convene an extraordinary meeting within a week of the receipt of such requisition.
- (3) The secretary of the committee shall at least forty-eight hours before the time fixed for the holding of a meeting issue and circulate to all the members a notice regarding the time, date and place of the meeting and shall also circulate along with such notice the agenda to be discussed at the meeting.
- (4) The secretary of the committee shall maintain in a special register kept for the purpose a complete record of the proceedings of every meeting held.
- 8. The quorum necessary for the transaction of business at any meeting of the committee shall be three members.
- 9. At every meeting of the committee the president, if present or in his absence or during the vacancy of his office, such one of their number as may be elected by the members present shall preside as chairman.
- The conduct of business at a meeting.

  The conduct of business at a meeting.

  The conduct of business at a meeting.

  The conduct of business shall be conducted as nearly as may be in accordance municipal notified area town.

committee for the conduct of business at its meetings.

11. (1) The school attendance officer shall, in the month of January in each year, prepare a list of boys of school-going age within the limits of the area for which he is appointed and shall publish sucd list not later than the tenth day of March anh shall also send a copy of the list to the municipal office.

(2) Any inhabitant of the municipality notified area small town

Objection to the preparation of the list.

or the omission of any name in or from the list may within a fortnight from the date of publication of the said list submit his objection in writing to the committee and such objection shall be taken into consideration by the committee.

- Approval, confirmation and final publication of the list.

  Approval, confirmation of the list have been made, the committee shall approve and confirm the list and publish it for general information.
- (4) The list of boys of school-going age approved and confirmed under the provisions of clause (3) of this bye-law shall be in force from the date of its confirmation to the thirty-first day of March next following.
- 12. (1) Temporary leave of absence may be granted to a boy

  enrolled in a recognised school in accordance
  with the provisions of the Punjab Education

  Code, but, when such leave exceeds 15 days if on account of sickness,
  or 10 days if for any other cause, it shall only be given with the
  approval of the attendance committee.
- (2) When leave is refused, the headmaster shall state his reasons in writing. Such refusal shall be subject to revision by the committee.
- 13. It shall be the duty of the parent of a boy under subsection (2) of section 9 of the Act to cause him to attend a recognised school for primary education on seventy-five per cent. of the number of school working days in each month, and for the purpose of this bye-law no boy shall be deemed to have attended a school on any day unless he has been present in the school for at least two hours during the school working hours of that day.
- 14. Should a boy not attend a recognised school within seven working days of the date appointed for his admission to a shool, or should a boy already attending school absent himself without leave for six consecutive working days, the head-master of the school shall make a report to the committee.
- 15. Every School Attendance Committee shall give a power of attorney to its attendance officer to lodge and conduct prosecutions on its behalf; provided that no prosecution for an offence under section 13 or 14 of the Act shall be lodged except in pursuance of a resolution of the committee.

Municipalities in which Part II of the Punjab Primary Education Act, 1919 has been applied. 221. The following table shows the municipalities in which Part II of the Act has been applied:—

Municipality.	Notification of Application of Part II of the Act.	Notification of Bye-laws under section 19 of the Act.
Abohar		
Alipur		No. 148, dated 24th April, 1924.
Ambala City		No. 31, dated 10th June, 1929.
Amritsar	No. 15, dated 8th March, 1927.	No. 149, dated 4th August, 1930.
Baghbanpura- cum-Bhogiwa		1246
Bahadurgarh .		No 63 dated 14th Octo-
	ary, 1927.	No. 63, dated 14th October, 1929.
Ballabgarh .	No. 35, dated 31st March, 1925.	No. 35, dated 31st March,   1925.
Banga .	• • • • • • • • • • • • • • • • • • • •	•••
Batala .	il deleta in the second of the	
Beri .	No. 76, dated 6th November, 1926; No. 43, dated	No. 46, dated 25th July, 1930.
	25th July, 1930.	
Bhakkar .	No. 35, 1 KV104, dated 21st April, 1927.	No. KV. 104-29, dated 29th October, 1928.
Bhera .	••	
Bhiwani .	No. 48, dated 1st August, 1929.	No. 74, dated 19th October, 1928.
Buriya .		
OL 1 . 1 . L		
Chunian .		
Theist	No. 250, dated 12th March, 1925.	No. 251, dated 12th March, 1925.
Dalhousie .	0.0	
Dera Baba		
NT1		
171	No. 150, dated 24th	No. 151, dated 24th April
Dharmsala	April, 1924.	1924.
Dinanagar		
Dingo		
Eminabad		
Paridobad	2001년 김영상 2016년 전환다.	
Pazilla.	No. 1603, dated 13th March, 1928.	No. 605, dated 29th January, 1929.

Complete Com	/	1	
Municipalities	. 1	Notification of application of Part II of the Act.	Notification of bye-laws under section 19 of the Act
	1		
Ferozepore .	•••	No. 846, dated 12th	No. 2038, dated 8th April,
Firozpur-Jhirk	a	February, 1926. No. 20, dated 6th April,	
Gohana .	••	1929. No. 68, dated 28th Octo-	1929.
		ber 1926. No. 487, dated 16th July,	No. 488, dated 16th July,
		1928.	1928.
	••	••• the state of t	
	••	•••	•••
	• •	•••	•••
Hansi .	••	No. 50, dated 31st May, 1927.	•••
Hazro .			en e
TT.	• • •	No. 30, dated 29th March, 1927.	No. 71, dated 12th Nov- ember, 1929.
Hodal .	• • •	No. 56, dated 16th	No. 55, dated 16th
Haghiagnur	į	August, 1929.	August, 1929.
	• • •		( and the engineering state of the state of
	••		
Jagadhri	•••	No. 51, dated 4th June, 1927.	No. 85, dated 1st December, 1928.
	• • •		
Jalalpur Jatta	n	. 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	
Jampur	• • •	No. 152, dated 24th April	, No. 153, dated 24th
		1924.	April, 1924.
Jandiala			
Tr		No. 54, dated 7th June,	
		1927.	
Jhang-Maghia	па		
Jhelum	•••		
	• • •		[HONDON HONDON
7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	•••		
	• • •		
Kamalia	•••	No. 525, dated 9th February, 1929.	No. 526, dated 9th February, 1929.
Karnal	••	No. 36, dated 19th April,	No. 51, dated 21st Sep-
Karor		1927.	tember, 1929.
	•••		
Kartarpur	•••	••••	•••
Kasur	• • •		
Khangarh	۵ مطبر		
Khem Karan	• • •		
Khushab	•••		
Kunjah	111		
Lahore	•••		

Municipality	Notification of application of Part II of the Act.	Notification of bye-laws under section 19 of the Act.
Leiah	No. 345, dated 28th October, 1926.	No. 346, dated 28th October, 1926.
Ludhiana	No. 6306, dated 16th July, 1927.	No. 6741, dated 13th October, 1928.
Lyallpur	No 900 detect 10th	No. 300, dated 10th November, 1925.
Miani		
Mianwali	No. 61—KV-104, dated 17th November, 1929.	
Mithankot		
$\mathbf{M}$ oga $\cdot$		
Montgomery .	No. 264, dated 11th May, 1925.	No. 265, dated 11th May, 1925.
Muktsar ·		
Multan .	No. 7785-G., dated 23rd July, 1920.	
Murree .		0.00
Muzaffargarh.	No. 347, dated 28th October, 1926.	No. 348, dated 28th October, 1926.
Nakodar .	••	
Narowal .		
Nurmahal .		
	No. 218, dated 26th No. vember, 1924.	No. 217, dated 26th November, 1924.
Palwal .	No. 98, dated 7th December, 1925.	No. 99, dated 7th December, 1925.
Panipat .	No. 66, dated 2nd August, 1927.	
Pasrur		
Pathankot .		
		•••
Pind Dadan		
18 TB 5 Tr T T . Table 1		
MILTON TO THE		77 (000 7 )
	No. 602, dated 3rd May, 1930.	No. 603, dated 3rd May, 1930.
Rawalpindi	·	내면 보다면 하고 아무를 하고 이번 때
Rewari	No. 65, dated 20th June, 1925.	No. 65, dated 20th June, 1925.
Rohtak	No. 102, dated 21st December, 1925.	No. 102, dated 21st December, 1925.

Municipality.	Notification of application of Part II of the Act.	Notification of bye-laws under section 19 of the Act.		
Rupar	No. 52, dated 29th May, 1925.	No. 67, dated 3rd July, 1925.		
Sadhaura Sahiwal Sargodha Shahabad	•••	•••		
Sharakpur	No. 20, dated 15th March, 1927.	•••		
Shujabad	No. 301, dated 16th November, 1925.	No. 302, dated 16th November, 1925.		
Sialkot Simla	No. 79, dated 6th December, 1929.	No. 76, dated 26th October, 1928.		
Sirsa	No. 20, dated 31st March, 1926.	No. 20, dated 31st March, 1926.		
Sonepat		No. 67, dated 6th September, 1928.		
Thanesar	No. 67, dated 6th August, 1927.	No. 60, dated 21st September, 1929.		
Urmar-Tanda Wazirabad	No. 32, dated 26th June,	No. 33, dated 26th June, 1929.		
Zira		1020,		

## SCHEDULE.

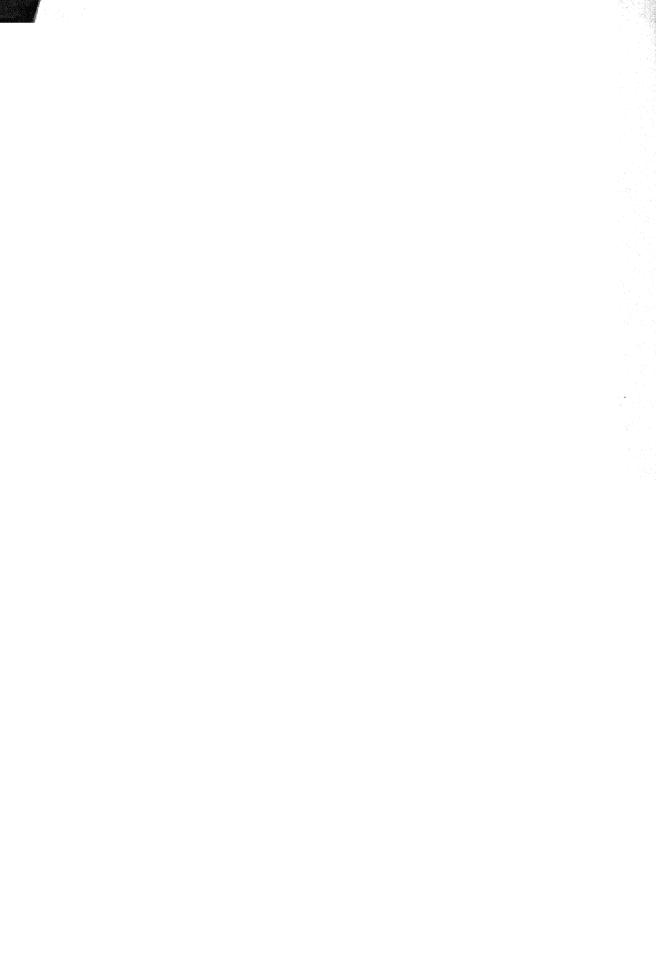
(Vide section 2 (1).)

## Enaciments repealed.

1.	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Acts of the Governor-General in Council.	
1891 1896	XX XVIII	The Punjab Municipal Act The Punjab Municipal Amendment Act	The whole Act.
		Acts of the Lieutenant-Governor of the Punjab.	
1900	III	The Punjab Municipal Act Amendment Act	The whole Act,
1905	I	Act to amend certain sections of the Punjab District Boards Act, 1883, and the Punjab Municipal Act of 1891.	4.

## PART IV

Acts other than the Punjab Municipal Act, 1911, Affecting Municipal Committees.



## PART IV.

# Acts other than the Punjab Municipal Act, 1911, Affecting Municipal Committees.

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The Indian Tramways Act, 1886	•••		657
The Metal Tokens Act, 1889	•••	•••	658
The Indian Railways Act, 1890		•••	658
The Government Buildings Act, 1899	• • • , * , . , , ,	•••	658
The Indian Tolls (Army) Act, 1901	•••	•••	658
The Indian Electricity Act, 1910	• • •	* • •	658
The Local Authorities Loans Act, 1	914	•••	659
The Punjab Primary Education Act, 1	919	900	<b>65</b> 9
The Indian Income-Tax Act, 1922		•••	659
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#### PART IV.

Acts other than the Punjab Municipal Act, 1911, Affecting Municipal Committees.

The Sarais and Puraos Act, 1867, no part of the Act is applicable to any sarai under the direct management of a municipal committee except section S, which requires the keeper of a sarai, if required so to do by an order of the District Magistrate, to report to such magistrate or to any person whom he may appoint, every person who resorted to the sarai during the preceding day or night. If written reports are required for any space of time exceeding a single day or night, schedules are to be furnished by the District Magistrate to the sarai-keeper who has to fill them up with the required information and transmit them to the District Magistrate in such manner and at such intervals as may from time to time be ordered by him.

The Municipal Taxation Act, 1881. 223. Vide page 402 and Appendix H.

224. The sections of the Indian Telegraph Act, 1885, which concern municipal committees, are given in Appendix P. Section 10 regulates the placing of telegraph lines and posts on or over immovable property vested in or under the control or management of a local authority. Section 13 empowers a local authority to require a telegraph line or post so placed to be removed or altered. Section 14 regulates the moving by a telegraph authority of pipes and drains, and section 15 lays down the procedure to be followed in the event of disputes between a telegraph authority and a local authority.

225. The sections of the Indian Tramways Act, 1886, which concern municipal committees are given in Appendix Q. Section 6 empowers a Local Government to make rules regulating a number of matters in which a local authority is interested. Section 24 (2) empowers a local authority to make rules with regard to a number of matters, e. g., the rate of speed to be observed, the number of passengers which may be carried, etc., and sections 25 and 26 regulate the manner in which such rules are to be made. Section 35 provides for the settlement of differences between a local

authority and the promoter or lessee of a tramway by recourse to arbitration in accordance with the provisions of Schedule II of the Code of Civil Procedure, 1908, or by reference to a referee. *Vide* page 404.

The Metal Tokens Act, 1889, which concerns municipal committees is given in Appendix R. Section 8 prohibits the receipt by or on behalf of any local authority of any piece of metal which is not coin as defined by the Indian Penal Code, and penalizes disregard of this prohibition.

227. The sections of the Indian Railways Act, 1890, which concern municipal committees are given in Appendix S. Section 8 regulates the alteration of pipes, wires and drains under the control of a local authority. Section 12 empowers a local authority to cause additional accommodation works to be made. Under section 14 the Governor-General in Council may require a local authority to pay the whole or a part of the cost of over-or under-bridges. Section 135 relates to the taxation of railways by local authorities,—Vide page 404.

The Government Buildings Act, 1899.

228. Vide page 499 and Appendix M.

The Indian Tolls (Army) Act, 1901.

229. Vide page 403 and Appendix I.

The sections of the Indian Electricity Act, 1910, which concern municipal committees are given in The Indian Electricity Appendix T. Under section 5 a local authority Act, 1910. is given the option of purchasing an undertaking when a license is revoked under section 4. Section provides for the revocation of a license granted to a local authority under section 3, clause (2) (c) of which regulates the manner in which a local authority may apply for a license. Under section 7 a local authority is given the option of purchasing an undertaking the expiry of a period to be specified the license. Section 9 requires a licensee to give notice to a local authority of his intention to purchase or associate himself with other licensed undertakings or to transfer his undertaking. 12 regulates the opening and breaking up of streets, sewers, etc. Section 13 provides for the serving of notice on a local authority by a licensee with regard to new works. Section 14 regulates the alteration of pipes and wires, and section 15 the laying of electric supply lines or other works, near sewers, pipes, etc. Section 28 requires that a local authority's consent shall be obtained before a non-licensee is permitted to engage in the business of supplying energy, and section 29 confers certain powers on a local authority in the event

#### V ACTS AFFECTING MUNICIPAL COMMITTEES 659

on-licensee being permitted to engage in such business. It should be observed that where a committee is itself a licensee the form in which its accounts are to be kept is prescribed by rule 32 of the Indian Electricity Rules, 1922.

The Local Authorities Loans Act, 1914.

231. Vide page 426 and Appendix L.

The Punjab Primary Education Act, 1919. 232. Vide pages 643, 644, 645 and Appendix W.

The Indian Tax Act, 1922.

The Indian Tax Act, 1922.

The Indian Income Tax Act, 1922, for the deduction before payment and credit to Government of the income-tax leviable on the salaries of its employees. The relevant sections of the Act and the relevant rules made thereunder are given in Appendix V.

The Punjab Town Improvement Act, 1922.

233. Vide page 503 and Appendix X.

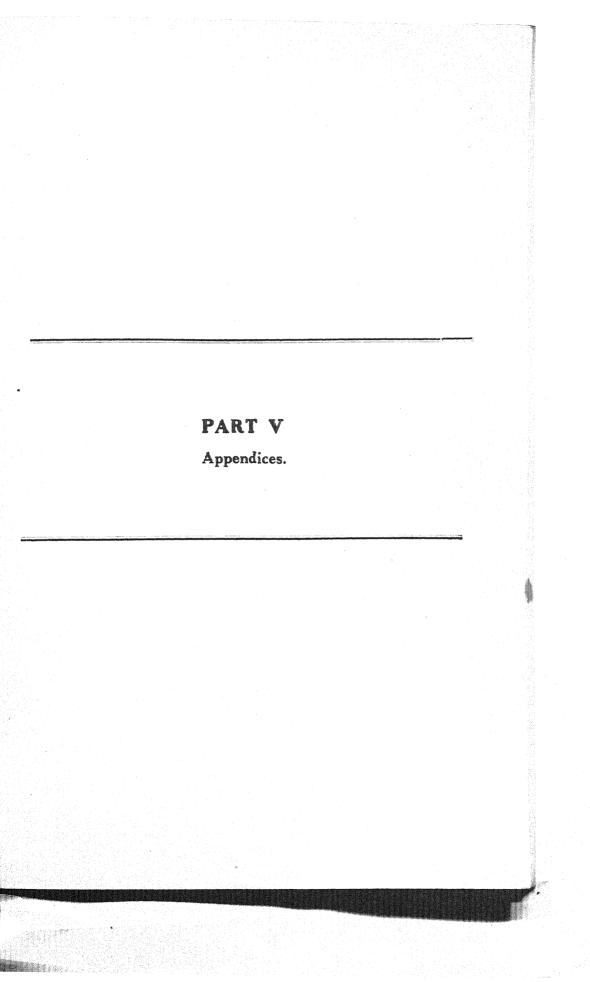
The Punjab Local Option Act, 1923.

234. Vide page 525 and Apppendix Y.

The Punjab Pure Food Act, 1929.

234. Vide page 570 and Appendix U.





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## PART V.

#### APPENDICES.

#### APPENDIX A

#### CONSTITUTION OF KASUMPTI MUNICIPALITY.

GOVERNMENT OF INDIA NOTIFICATION No. 1421-I.B., DATED 10th May, 1921.

Whereas the Governor-General in Council has full and exclusive power and jurisdiction of every kind over the tract of land adjoining the Municipality of Simla specified in the Schedule hereto annexed and over all persons and things whatsoever within the said tract hereinafter referred to as the Kasumpti area.

Now, therefore, in exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to provide as follows for the administration of the Kasumpti area:—

1. All laws, regulations, rules, bye-laws and orders for the time being in force in the Simla district of the Punjab shall be in force in the Kasumpti area:

Provided that the Punjab Municipal Act, 1911 (Punjab Act III of 1911) and the regulations, rules, bye-laws, or orders made thereunder shall be in force in the Kasumpti area to such extent only and with such modifications, if any, as the Local Government of the Punjab may, by notification in the *Punjab Gazette*, direct.

- 2. The Local Government of the Punjab and all officers subordinate to that Government for the time being exercising executive authority within the said district of Simla shall exercise the like authority within the Kasumpti area.
- 3. All courts having for the time being jurisdiction within the said district of Simla shall have the like jurisdiction within the Kasumpti area.
- 4. The following notifications of the Government of India in the Foreign Department are hereby cancelled:—

No. 1516-I., dated the 15th May, 1885,

No. 3494-I., dated the 15th October, 1885, and No. 616-I.B., dated the 20th April, 1914.

5. The General Clauses Act, 1897 (X of 1897), shall apply for the interpretation of this notification, as if this notification were an Act of the Governor-General in Council.

The tract of land comprising an area of forty-nine acres one pole and twenty-seven yards and delineated on the plan annexed to the lease executed by the Raja of Keonthal on the 24th October 1884.

## Punjab Government Notification No. 1859, dated 19th January, 1922.

In pursuance of the notification of the Government of India in the Foreign and Political Department No. 1421-I. B., dated the 10th of May 1921, and in supersession of Punjab Government Notification No. 233, dated the 20th April, 1914, the Punjab Government (Ministry of Education) is pleased to direct that the Punjab Municipal Act, 1911, as in force in the Kasumpti area shall be subject to the following modifications, namely:—

#### 1. In section 3—

- (a) after sub-section (3) the following sub-section, namely:
- "(3-A) Commissioner means the Commissioner of the Ambala Division and
- (b) after sub-section (10) of the following sub-section, namely:—
- (10-A) Official Gazette means the "Punjab Government Gazette"

#### shall be inserted.

- 2. In section 4—
  - (1) in sub-section (1)—
  - (a) the words "propose to" shall be omitted, and
  - (b) after the words "municipality" the words "of the first or second class" shall be inserted; and
  - (2) Sub-sections (3), (4), (5) and (6) shall be omitted.

No. 1862.—In exercise of the powers conferred by section 4 of the Punjab Municipal Act, 1911, as in force in the Kasumpti area, the Punjab Government (Ministry of Education) is pleased to declare the town of Kasumpti (the boundaries of which are specified in the Schedule hereto annexed) to be a municipality of the 2nd class for the purposes of the said Act.

#### Boundary Schedule.

East.—Boundary pillars 17 to 28 running in the direction of Koti Thana, "West field" and the "Boundary."

West.—Boundary pillars 2 to 14 running in the direction of ravine.

North.—Boundary pillars 1, 3?, 31, 30 and 29 running in the direction of "Springfield."

South.—Boundary pillars 14 to 17 above Kasumpti Bazar.

Punjab Government Notification No. 1865, dated 19th January, 1922.

In pursuance of the notification of the Government of India in the Foreign and Political Department No. 1421-I. B., dated the 10th May, 1921, and with reference to Punjab Government Notification No. 1859, dated 19th January, 1922 the Punjab Government (Ministry of Education) is pleased to direct that the Punjab Municipal Act, 1911, as in force in the Kasumpti area, shall be subject to the following further modifications:—

- 1. In section 11 the words "Not less than three" shall be omitted.
- 2. In section 52 after sub-section (2) the following sub-section shall be inserted, namely:—
- "(3) Notwithstanding anything hereinbefore contained the committee of the Kasumpti Municipality shall make such annual payments from the municipal fund to the municipal committee of Simla and to the Raja of Keonthal as the Local Government may direct."
- 3. To sub-section (2) of section 54 the following proviso shall be added, namely:—
- " Provided that the municipal fund of the Kasumpti Municipality shall be kept in the Government Treasury at Simla."

#### 4. In clause B of section 61-

- (1) In sub-clause (a)—
  - (a) in paragraph (1) for the words "Dalhousie and Murre e" the words "Dalhousie, Murree and Kasumpti," and
  - (b) in the first proviso to paragraph (iii) for the words "Municipality of Simla" the words "Municipalities of Simla and Kasumpti" shall be substituted; and
- (2) to sub-clause (f) the following proviso shall be added, namely:—
- "Provided that in the municipality of Kasumpti a tax imposed under this sub-clause shall not be payable in respect of animals or goods on which octroi has been paid in the municipality of Simla.

## Punjab Government Notification No. 1868, dated 19th January, 1922.

In exercise of the powers conferred by sections 11 and 12 of the Punjab Municipal Act, 1911, as in force in the Kasumpti area, the Punjab Government (Ministry of Education) is pleased to fix the number of members of the municipal committee of the Kasumpti Municipality at one, namely, the Deputy Commissioner of Simla, for the time being.

## Punjab Government Notification No. 22776, dated 3rd September, 1927.

In pursuance of the provisions of the Government of India, Foreign and Political Department Notification No. 1424-I.B., dated the 10th May, 1921, the Punjab Government (Ministry of Local Self-Government) are pleased to direct that the bye-laws published with Punjab Government Notification No. 610, dated the 24th December, 1897, as amended by Punjab Government Notification No. 36647, dated the 9th December, 1926, shall be in force in the municipality of Kasumpti in the district of Simla.

## APPENDIX B.

Municipality.	Notifications constituting the municipality under the Punjab Municipal Act, 1884, 1891 or 1911.		Notifications egarding the composition of municipal committees.	Notifications of rules with regard to classes of voters, elec- toral wards, etc.
Abohar	No. 31438, dated 12th December,	No. 31438, dated 12th December, 1922.	No. 31439, dated 12th December, 1922.	No. 14641, dated 10th May, 1927.
Alipur	1922. No. 292, dated 14th April, 1886.	No. 292, dated 14th April, 1886 No. 265, dated 27th May, 1904	No. 21985, dated 11th September 1923; No. 10579, 27th March	Decemiter, 1925.
Ambala City	No. 1044-S., dated 19th August, 1885.	No. 1044-S., dated 19th August, 1885; No. 439, dated 18th No.	dated 16th February, 1927.	
		ve m b e r 1885; No 212, dated 14th May 1901; No 233, dated 5th April 1915; No 20378, date	d d l,	
Amritsar .	No. 345 dated 11th May, 1886	1st Augus 1922. No. 344 dated 11t May, 1886	t, 5, No. 1935 ch dated 13c 3; August, 4, 1924.	

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Municipality,	Notifications constituting the munici- pality under the Punjab Municipal Act, 1884, 1891 or 1911.	Notifications regarding municipal boundaries.	Notifications regarding the composition of municipal committees.	Notifications of rules with regard to classes of voters, elec- toral wards, etc.
		28th May,		
Baghbanpura -Bhogiwal	No. 5280-S., dated 19th September, 1928; No. 15106, dated 2nd May, 1931.	1908. No. 5280-S., dated 19th September, 1928; No. 27160, dated 3rd September, 1931.	#	
Bahadurgarh	No. 1467-S, dated 24th September, 1885.	No. 1467-S., dated 24th September, 1885; No. 1908, dated 29th Janu- ary, 1917; No. 13057, dated 25th	No. 7557, dated 12th March, 1924.	No. 7557, dated 12th March, 1924.
Ballabgarh	No. 815, dated 30th November, 1886.	June, 1918. No. 815, dated 30th November, 1886; No. 64, dated 1st February, 1915.	No. 27136, dated 1st August, 1932.	No. 498, dated 7th Jan u a r y, 1933.
Banga	No. 273, dated 12th April, 1886.	No. 273, dated 12th April, 1886.	dated 3rd	No. 4090, dated 9th February, 1926.
Batala	No. 1434-S., dated 22nd September, 1885.	No. 1434-S., dated 22nd September, 1885; No. 670, dated 18th Octo- ber, 1906;	No. 34872, dated 20th November, 1931.	No. 22208, dated 3rd August, 1926; No. 6711, dated 28th Feb ruary, 1931.

Municipality.	Notifications constituting the munici- pality under the Punjab Municipal Act, 1884, 1891 or 1911.	Notifications regarding municipal boundaries.	Notifications regarding the composition of municipal committees.	Notifications of rules with regard to classes of voters, elec- toral wards, etc.
Batala— concld.  Beri	 No. 797, dated 22nd	No. 4691, dated 14th February, 1927; No. 16494, dated 6th June, 1927. No. 797, dated 22nd	1	
Bhakkar Bhera	November, 1886. No. 539, dated 5th Septem- ber, 1887. No. 412, dated 14th November, 1885.	37 1	1924. No. 14347, dated 30th April, 192 No. 11065 dated 3rd	1924. No. 16485, dated 13th July 1925. No. 11687, dated 30th
Bhiwani	dated 17th February, 1886.	February, 1886.	January, 1926.	June, 1923. No. 2060, dated 23rd January, 1925.
Buriya ··	No. 1044-S dated 19th August, 1885.			h dated 15th
Campbellpu *	r No. 1559 dated 15t January, 1924.		h dated 15t January, 1924.	8, No. 28949 h 2nd Octo ber, 1926.
Chiniot	No. 1473 dated 24th September 1885.	, No. 513 dated 19t	1, No. 24958 h dated 31	

			1	
Municipality.	Notifications constituting the municipality under the Punjab Municipal Act, 1884, 1891 or 1911.	Notifications regarding municipal boundaries.	Notifications regarding the composition of municipal committees.	Notifications of rules with regard to classes of voters, elec- toral wards, etc.
				dated 20th February, 1934.
Chunian	No. 1025 S., dated 18th August, 1885.	No. 1025-S., dated 18th August, 1885.	No. 20112, dated 26th August, 1924.	No. 20113, dated 26th August, 1924; No. 22152, dated 8th October, 1924.
Dajal	No. 158, dated 11th April, 1887.	No. 158, dated 11th April, 1887; No. 611, dated 10th October, 1887; No. 55, dated 5th Feb- ruary, 1901.	1924.	No. 2359, dated 22nd January, 1924.
Dalhousie	No. 1286-S., dated 10th September, 1885.	No. 1286-S., dated 10th September, 1885; No. 236, dated 23rd March, 1891.	No. 7198, dated 3rd March, 1934.	No. 14190, dated 6th June, 1925; No. 34480, dated 22nd November, 1926.
Dera Baba Nanak	No. 1434-S., dated 22nd September, 1885.	No. 1434-S., dated 22nd September, 1885.	No. 1098, dated 10th January, 1923.	No. 28349,
Dera Ghazi Khan.	No. 565, dated 12th August, 1913.	No. 565, dated 12th August, 1913.	No. 17668, dated 20th June, 1923.	No. 20067, dated 6th August, 1923; No. 22629, dated 19th Septem-
	a property			19th Septem ber, 1923.

	Notifications			
•	constituting			Notification
**	the munici-		Notifications	of rules
	pality	Notifications	regarding	with regard
Municipality.	under the	regarding	the composi-	to classes
wunterparroy.	Punjab	municipal	tion of	of voters,
	Municipal	boundaries.	municipal	electoral
:# 	Act, 1884,	boundaries.	committees.	wards, etc.
	1891 or		committees.	warus, etc.
	1911.			
- <u>1</u> -1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1	NT 970	No. 970	No. 213,	No. 4419.
Dharmsala	No. 879,	No. 879,		,
	dated 26th	dated 26th	dated 20th	
	November,	November,	March, 1915;	February,
	1884.	1884, read	No. 25961,	1925.
4.	- 14	with No. 57,		
*		dated 21st	November,	
		February,	1919.	
		1881.		
Dinanagar	No. 1434-S.,	No. 1434-S.,	No. 4476,	No. 4477,
Dillana	dated 22nd	dated 22nd	dated 12th	dated 12th
	September,	September,	February,	February,
	1885.	1885; No.	1925.	1924.
		12135,		
. e i el	w ·	dated 4th		
		June, 1918;		
	ALC: N	No. 15736,		
		dated 12th		
		June, 1924.		
	No. 280,	No. 25201,	No. 31525,	No. 9923;
Dinga		dated 1st	dated 13th	dated 31st
	dated 12th	November,	December,	March, 1924.
	April, 1886.		1922.	maich, 1024.
A STATE OF THE STA		1923;	1922.	
		No. 28037,		
		dated 29th		
		November,	•	
		1932;		
		No. 13827,		
		dated 17th		
		April, 1930.		37 00=:-
Eminabad	No. 31,	No. 31,		No. 23710,
	dated 18th	dated 18th	dated 29th	dated 29th
	January,	January,	October,	October,
	1886.	1886.	1924.	1924.
Faridabad	No. 815,	No. 815,	No. 32899,	No. 14633,
ramanaa	dated 30th	dated 30th	dated 27th	dated 30th
	November,	November,	December,	July, 1918;
	1886.	1886.	1922;	No. 18065,
	L TOOO'	1000		

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Municipality	Notifications constituting the municipality under the Punjab Municipal Act, 1884, 1891 or 1911.	Notifications regarding municipal boundaries.	Notifications regarding the composi- tion of municipal committees.	Notification of rules with regard to classes of voters, electoral wards, etc.,
Faridabad— concld.  Fazilka	No. 486, dated 10th December, 1885.	No. 486, dated 10th December, 1885.	No. 14950, dated 4th May, 1923, No. 19982, dated 23rd August, 1924.	dated 21st October, 1918. No. 4671, dated 13th February, 1924.
Firozpur Jhirka Gohana	No. 1652-S., dated 12th October, 1885. No. 1464, dated 24th September, 1885. No. 1467-S., dated 24th September, 1885.	1885; No. 15626, dated 8th	No. 25710, dated 18th November, 1924. No. 25899, dated 24th November, 1924. No. 23647, dated 10th October, 1923.	No. 25711, dated 18th November, 1924. No. 3804, dated 5th February, 1926. No. 23648, dated 10th October, 1923.
Gojra Gujranwala	No. 79, dated 20th February, 1912.  No. 223, dated 24th March, 1886.	May, 1920. No. 79, dated 20th February, 1912; No. 151, dated 1st April, 1912. No. 1869, dated 17th January, 1924; No. 4075, dated 7th February, 1924.	No. 24064, dated 13th August, 1930. No. 10704, dated 4th April, 1924.	No. 1973, dated 18th January, 1924; No. 24065, dated 13th August, 1930. No. 10705, dated 4th April, 1924 No. 12374  No. 13172, dated 30th April, 1924  No. 13172, dated 30th April, 1924

Municipality.	Notifications constituting the munici- pality under the Punjab Municipal Act, 1884, 1891 or 1911.	Notifications regarding municipal boundaries	Notifications regarding the composition of municipal committees.	Notifications of rules with regard to classes of voters, elec- toral wards, etc.
Gujrat	No. 280, dated 12th April, 1886.	No. 280, dated 12th April, 1886; No. 110, dated 8th Febru- ary, 1915.	No. 15417, dated 6th June, 1224.	No. 15418, dated 6th June, 1924.
Gurdaspur	No. 1434-S., dated 22nd September, 1885.	No. 1434-S., dated 22nd September, 1885; No. 15222, dated 25th July, 1917; No. 15855, dated 14th		No. 24182, dated 7th November, 1925; No. 25042, dated 25th August, 1930.
Hansi Hazro	No. 137, dated 17th February, 1886. No. 100, dated 10th February, 1886.		No. 5287-A, dated 26th February, 1925. No. 23716, dated 29th October, 1924.	No. 5288, dated 26th February, 1925. No. 23717, dated 29th October, 1924; No. 25055, dated 10th November, 1924; No. 19979, dated 29th July, 1933.
Hissar	No. 37, dated 17th February, 1886.	No. 137,	No. 17585,	No. 17586 dated 15th July, 1924.

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Municipality.	Notifications constituting the munici- pality under the Punjab Municipal Act, 1884, 1891 or 1911.	Notifications regarding municipal boundaries.	Notifications regarding the composition of municipal committees.	Notifications of rules with regard to classes of voters, elec- toral wards, etc.
Hodal	No. 1464, dated 24th September, 1885.	No. 1464, dated 24th September, 18.5; No. 22419, dated 31st July, 1928	No. 18952, dated 6th August, 1924.	No. 18953, dated 6th August, 1924.
Hoshiarpur	No 1041-S., dated 19th August, 1885.	No. 1041-S., dated 19th August, 1885; No. 102, dated 11th March, 1893; No. 248, dated 23rd April, 1914; No. 15205, dated 20th	No. 17135, dated 11th June, 1923.	No. 28947, dated 2nd October, 1926.
Isa Khel	No. 1449, dated 23rd September, 1885.	June, 1925. No. 1449, dated 23rd September, 1885.	No. 4506, dated 11th February, 1922.	•••
Jagadhri	No. 1044-S, dated 19th August, 1885.	No. 1044-S., dated 19th August, 1885.	No. 32889, dated 27th December, 1922.	No. 17346, dated 18th June, 1927; No. 31368, dated 30th September, 1932.
Jagraon	No. 683, dated 28th September, 1886.	dated 5th	dated 18th November,	No. 26716, dated 2nd

Municipality.	Notifications constituting the munici- pality under the Punjab Municipal Act, 1884, 1891 or 1911.	Notifications regarding municipal boundaries.	Notifications regarding the composition of municipal committees.	Notifications of rules with regard to classes of voters, elec- toral wards, etc.
Jalalpur Jattan Jampur	No. 158, dated 11th	dated 12th April, 1886.	1923. No. 2361, dated 22nd	No. 23939, dated 27th September, 1923. No. 2362, dated 22nd January,
Jandiala Jhajjar	No. 3309, dated 20th December, 1927. No. 1467-S., dated 24th September,	No. 3309, dated 20th December, 1927. No. 1467-S., dated 24th September,	1924. No. 4661, dated 7th February, 1930. No. 10293, dated 26th March, 1923.	1924. No. 23662, dated 7th August, 1930. No. 17089, dated 4th July, 1924; No. 4933,
	1885.	1885.	1920.	Added 13th February, 1934; No. 2099-S., dated 27th June, 1933; No. 2100-S, dated 27th
Jhang Maghiana	No. 1473, dated 24th September, 1885.	No. 1473, dated 24th September, 1885; No. 20, dated 13th Janu-	No. 4564-S., dated 15th September, 1926.	June, 1933. No. 33828, dated 16th November, 1926; No. 13154, dated 27th April, 1927.
Jhelum	No. 462, dated 1st December, 1885.	ary, 1909. No. 462, dated 1st December, 1885; No. 11700, dated 21st April, 1933;	No. 13301, dated 3rd October, 1923.	No. 22898, dated 10th August, 1926.

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Municipality.	Notifications constituting the munici- pality under the Punjab Municipal Act, 1884, 1891 or 1911.	Notifications regarding municipal boundaries.	Notifications regarding the composition of municipal committees.	Notifications of rules with regard to classes of voters, elec- toral wards, etc.
Jhelum— concld.	•••	No. 21582, dated 16th August, 1933.		dulista)
Jullundur	No. 1578-S., dated 7th October, 1885	No. 1578-S.,	No. 1415, dated 14th January, 1924.	No. 1416, dated 14th January, 1914.
Kaithal	No. 831, dated 4th December, 1886.	No. 331, dated 4th December, 1886; No. 221, dated 14th April, 1910.	No. 13658, dated 20th April, 1931.	No. 5273, dated 26th February, 1925; No. 11460, dated 2nd April, 1930.
Kalabagh	No. 1449, dated 23rd September, 1885.	No. 1449, dated 23rd September, 1885.	No. 207, dated 19th March, 1913.	
Kalka	No. 2763, dated 31st January, 1933.	•••		No. 10997, dated 11th April, 1933.
Kamalia	No. 50, dated 23rd Jan- uary, 1886.	No. 50, dated 23rd Jan- uary, 1886; No. 31, dated 3rd February, 1888.	December, 1923.	No. 29247, dated 12th December, 1923; No. 27033, dated 2nd December, 1924.
Karnal	No. 831, dated 4th December, 1886.	No. 831, dated 4th December, 1886; No. 7, dated 7th Janu- ary, 1887;	No. 21059, dated 10th May, 1932.	No. 35140, dated 7th November, 1934; No. 15420, dated 6th June, 1924.

Municipality.	Notifications constituting the municipality under the Punjab Municipal Act, 1884, 1891 or 1911.	Notifications regarding municipal boundaries.	Notifications regarding the composition of municipal committees.	Notifications of rules with regard to classes of voters, elec- toral wards, etc.
Karnal— concld.  Karor	 No. 539, dated 5th	No. 23198, dated 16th July, 1929. No. 539, dated 5th	No. 32096, dated 16th	No. 2361, dated 23rd
	September, 1887.	September, 1887.	December, 1922; No. 3565, dated 31st Janu- ary, 1923.	January, 1926.
Kartarpur	No. 273, dated 12th April, 1886.	No. 273, dated 12th April, 1886; No. 21808, dated 14th October,	No. 23933, dated 24th August, 1926.	No. 34482, dated 22nd November, 1926.
Kasur	No. 1025-S., dated 18th August, 1885.	1925. No 1025-S., dated 18th August, 1885.	No. 3010, dated 29th January, 1924.	No. 3011, dated 29th January, 1924;
Khanewal	1			No. 8302, dated 20th March, 1933.
Khangarh	No. 292, dated 14th April, 1886.		dated 26th May, 1924.	No. 14791, dated 26th May, 1924.
Khanna			No. 24114, dated 18th September, 1933.;	dated 18th

Municipality.	Notifications constituting the municipality under the Punjab Municipal Act, 1884, 1891 or 1911.	Notifications regarding municipal boundaries.	Notifications regarding the composition of municipal committees.	Notifications of rules with regard to classes of voters, elec- toral wards, etc.
Khanna— concld.	•••		•••	dated 6th October, 1933; No. 5728, dated 19th Febru-
Khem Karan Khushab	No. 1025-S., dated 18th August, 1885. No. 412, dated 14th	No. 1025-S., dated 18th August, 1885. No. 412, dated 14th	No. 27035, dated 2nd December, 1924. No. 9751, dated 22nd	ary, 1934. No. 27036, dated 2nd December, 1924. No. 14346,
Kunjah	November, 1885.  No. 280, dated 12th	November, 1885. No. 22867, dated 25th	March, 1923. No. 6423, dated 23rd	July, 1918; No. 14604, dated 2nd May, 1923. No. 15259, dated 13th
	April, 1886.	September, 1923; No. 14403, dated 16th April, 1929.	February, 1923.	August, 1918.
Lahore	No. 138, dated 21st March, 1885.	No. 21498, dated 5th September, 1923; No. 23401, dated 5th October, 1923; No. 25019, dated 3rd October, 1927.	No. 9224, dated 17th March, 1930; No. 7849, dated 10th March, 1931.	No. 23749, dated 11th October, 1923; No. 24021, dated 16th October, 1923; No. 29375, dated 14th November, 1933.
Leiah	No. 539, dated 5th September, 1887.	No. 539, dated 5th September, 1887.	No. 18369, dated 4th July, 1923.	No. 28304, dated 19th December, 1925.

Municipality.	Notifications constituting the municipality under the Punjab Municipal Act, 1884, 1891 or 1911.	Notifications regarding municipal boundaries.	Notifications regarding the composition of municipal committees.	Notifications of rules with regard to classes of voters, elec- toral wards, etc.
Ludhiana	No. 683, dated 28th September, 1886.	No. 683, dated 28th September, 1886; No. 713, dated 24th Sep-	No. 3417-S., dated 18th August, 1926.	No. 12954, dated 28th April, 1924.
Lyallpur	No. 204, dated 11th May, 1899.	tember, 1888.  No. 204, dated 11th May, 1899; No. 671, dated 3rd December, 1912.	No. 7408, dated 10th March, 1926.	No. 15789, dated 1st June, 1926.
Mian Channu	•••		•••	No. 5382, dated 16th February, 1934.
Miani	No. 412, dated 14th November, 1885. No. 559, dated 1st December 1903.	dated 14th	No. 10020, dated 23rd March, 1923; No. 20540, dated 17th June, 1929 No. 10146, dated 24th March, 1923.	No. 16632, dated 4th July, 1919; No. 16393, dated 29th May, 1923.
Mithankot	No. 158, dated 11th April, 1887.	No. 158,	No. 7463, dated 11th March, 1924; No. 10707, dated 4th April, 1924	No. 7464, dated 11th March, 1924; No. 10707, dated 4th April, 1924.

Municipality.	Notifications constituting the municipality under the Punjab Municipal Act, 1884, 1891 or 1911.	Notifications regarding municipal boundaries.	Notifications regarding the compo- sition of municipal committees.	Notifications of rules with regard to classes of voters, elec- toral wards, etc.
Moga	No. 1346, dated 14th January, 1919.	No. 1346, dated 14th January, 1919.		No. 22154, dated 20th October, 1925; No. 11063, dated 5th April 1926; No. 20322, dated 10th
	37 070		37 740	July, 1926.
Montgomery	No. 252, dated 2nd April, 1886.	No. 435, dated 12th	No. 746, dated 8th January, 1924.	No. 747, dated 8th January, 1924.
		July, 1915; No. 23225, dated 18th December, 1918; No.		
	N . 70	34436, dated 1st November, 1932.	N 15004	N 90400
Muktsar	No. 78, dated 1st February, 1886.	No. 78, dated 1st February, 1886; No. 304, dated 22nd May, 1907; No. 15280,	No. 17664, dated 20th June, 1923.	dated 28th
Multan	No. 874-S., dated 4th August, 1885.	dated 9th May, 1922. No. 874-S., dated 4th August, 1885; No. 1513-S.,	No. 29241, dated 12th December, 1923.	No. 29242 dated 12th December, 1923; No. 4829,

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Municipality.	Notifications constituting the munici- pality under the Punjab Municipal Act, 1884, 1891 or 1911.	Notifications regarding municipal boundaries.	Notifications regarding the composition of municipal committees.	Notifications of rules with regard to classes of voters, elec- toral wards, etc.
$egin{align*}  ext{Multan} \ concld  . \end{aligned}$	•••	dated 1st October, 1885; No. 180, dated 17th March, 1916.		dated 14th February, 1924.
Murree	No. 503, dated 16th December, 1885.	No. 501, dated 16th De- cember, 1885; No.	No. 1593, dated 15th January, 1924.	No. 1594, dated 15th January, 1924.
		423, dated 24th May, 1909; No. 559, dated 6th July,		
		1909; No. 753, dated 15th Octo- ber, 1909; No. 376,		
		dated 12th July, 1911; No. 2, dated 3rd		
		January, 1913; No. 114, dated 3rd January 1928.		
Muzaffargarh	No. 292, dated 14th April, 1886.	No. 292, dated 14th April, 1886 No. 823, dated 19th December, 1906; Nos. 492 and 493, dated	1924.	No. 7467, dated 11th March 1924; No. 6945, dated 25th February, 1928.

Municipality.	Notifications constituting the munici- pality under the Punjab Municipal Act, 1884, 1891 or 1911.	Notifications regarding municipal boundaries.	Notifications regarding the composition of municipal committees.	Notifications of rules with regard to classes of voters, elec- toral wards, etc.
Muzaffargarh —concld.		29th July, 1910; No. 18811, dated 15th June, 1926.		
Nakodar  Nankana Sahib	No. 1578-S, dated 7th October, 1885. No. 3431-A., dated 6th February, 1933.	No. 1578-S., dated 7th October, 1885.	No. 31532, dated 13th December, 1922. No. 11420, dated 19th April, 1933.	No. 28306, dated 19th December, 1926.
Narowal	No. 4915, dated 14th February, 1921.	No. 4915, dated 14th February, 1921.	No. 4914, dated 14th February, 1921; No. 31323, dated 13th De- cember, 1921.	No. 741, dated 12th January, 1925; No. 6130, dated 9th March, 1925; No. 26127, dated 8th September, 1930.
Nurmahal	No. 1578 S., dated 7th October, 1885.	No. 1578-S., dated 7th October, 1885.	No. 30316, dated 30th November, 1922.	No. 22915, dated 26th September, 1923.
Pakpattan	No. 50, dated 23rd Jan- uary, 1886.	No. 50, dated 23rd Janu- ary, 1886; No. 16481, dated 6th June, 1927.		
Palwal	No. 1464, dated 24th September, 1885.	No. 1464, dated 24th September, 1885.	No. 32874, dated 27th December, 1922; No. 14950, dated 4th May, 1923.	No. 18881, dated 22nd August, 1925.

Municipality.	Notifications constituting the munici- pality under the Punjab Municipal Act 1884, 1891 or 1911.	Notifications regarding municipal boundaries.	Notifications regarding the composition of municipal committees.	Notifications of rules with regard to classes of voters, elec- toral wards, etc.
Panipat	No. 831, dated 4th December, 1886.	No. 831, dated 4th December, 1886; No. 17871, dated 17th June, 1922;	No. 18557, dated 7th July, 1923.	No. 14188, dated 6th June, 1925.
		No. 19308, dated 12th July, 1922; No. 10967, dated 8th April, 1924.		N. AROOF
Pasrur	No. 45, dated 14th November, 1885.	No. 291, dated 15th June, 1887; No. 732, dated 21st October, 1916.	No. 8333, dated 12th March, 1923.	dated 18th
Pathankot	No. 1434-S., dated 22nd September, 1885.	No. 1434-S., dated 22nd September, 1885; No. 539, dated 4th November, 1902; No. 22421, dated 17th September, 1923.	No. 17427, dated 14th June, 1923	No. 24531, dated 11th
Patti	No. 24093, dated 25th August, 1926.	No. 24093, dated 25th August, 1926.	No. 24094 dated 25th August, 1926.	No. 32911, dated 8th November, 1926; No. 25063, dated 25th August, 1930.

# APPENDIX B-continued.

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Municipality.	Notifications constituting the municipality under the Punjab Municipal Act, 1884, 1891 or 1911.	Notifications regarding municipal boundaries.	Notifications regarding the composition of municipal committees.	Notifications of rules with regard to classes of voters, elec- toral wards, etc.
Phillaur Pind Dadan	No. 462,	dated 12th April, 1886. No. 462,		No. 22027, dated 19th October, 1925; No. 12544, dated 21st April, 1926, No. 28040,
Khan	December,	dated 1st December, 1885.	dated 25th March, 1931.	dated 29th November, 1923.
Pindigheb		No. 16, dated 13th Jan- uary, 1887; No. 101, dated 11th March,1912.		•••
Raekot	No. 683, dated 28th September, 1886; No. 29711, No. 29712, No. 29713, dated 3rd October, 1931.		dated 19th	No. 28302, dated 19th December, 1925.
Rahon	No. 273, dated 12th April, 1886.	No. 273, dated 12th April, 1886.	No. 13747, dated 23rd April, 1923.	No. 22819, dated 26th October, 1925.
Rajanpur	No. 158, dated 11th April, 1887.	No. 158, dated 11th April, 1887.	No. 13839, dated 1st June, 1925	No. 18189, dated 12th August, 1925.

# APPENDIX B-continued.

Municipality.	Notifications constituting the municipality under the Punjab Municipal Act, 1884, 1891 or 1911.	Notifications regarding municipal boundaries.	Notifications regarding the composition of municipal committees.	Notifications of rules with regard to classes of voters, elec- toral wards, etc.
Rawalpindi	No. 100, dated 10th February, 1886.	No. 100, dated 10th February, 1886; No. 48, dated	dated 19th February, 1929; No. 37943,	No. 27570-D., dated 24th November, 1923.
		14th Jan- uary, 1889; No. 1106, dated 19th December, 1891; No.	dated 2nd December, 1932.	
		189, dated 5th May, 1893; No. 275, dated 22nd June, 1893; No.		
		473, dated 7th September, 1896; No. 26229, dated 19th		
Rewari	No. 1464,	November, 1920; No. 8562, dated 31st March, 1925. No. 1464,		No. 16917
ILOW ALL	dated 24th September, 1885.	dated 24th September, 1885.	dated 2nd July, 1923.	No. 16817, dated 3rd July, 1924.
Rohtak	No. 1467, dated 24th September, 1885.	No. 1467, dated 24th September, 1885; No. 326, dated 5th July,	No. 18585, dated 21st May, 1929.	No. 35722, dated 8th November, 1929.

# APPENDIX B-continued.

Municipality.	Notifications constituting the municipality under the Punjab Municipal Act, 1884, 1891 or 1911.	Notifications regarding municipal boundaries	Notifications regarding the composition of municipal committees.	Notifications of rules with regard to classes of voters, elec- toral wards, etc.
Rohtak— concld.		1897; No. 5185, dated 16th February, 1922; No. 22426, dated 17th September, 1923.		
Rupar	No. 1044-S., dated 19th August, 1885.	No 1044-S., dated 19th August, 1885; No. 502, dated 24th August, 1887; No. 587, dated 26th August, 1907.	No. 13608, dated 23rd April, 1923.	No. 5039, dated 24th February, 1925.
Sadhaura	No. 1044-S., dated 19th August, 1885.	No. 1044-S, dated 19th August, 1885: No. 19913, dated 11th November, 1918; No. 33726, dated 15th November, 1929.	No. 19676, dated 18th August, 1924.	No. 19677, dated 18th August, 1924; No. 22295, dated 10th October, 1924.
Sahiwal	No. 412, dated 14th November, 1885.	No. 412, dated 14th November, 1885; No. 252, dated 17th April, 1916.	No. 7733, dated 7th March, 1923.	No. 25267, dated 18th November, 1925.

+5						
Municipality.	Iunicipality. under the Punjab		constituting the municipal pality under the Punjab Municipal Act, 1884, Notifications regarding the composition of municipal committees.		Notifications of rules with regard to classes of voters, electoral wards, etc.	
Sargodha	No. 81, dated 11th Feb- ruary, 1914.	No. 81, dated 11th February, 1914.	No. 4462, dated 8th February, 1923.	No. 20496, dated 3rd September, 1924.		
Shahabad	No. 1044-S., dated 19th August, 1885.	No. 1044 S., dated 19th August, 1885; No. 252, dated 31st March, 1891.	No. 17580, dated 18th June, 1923.	dated 4th March, 1925; No. 16131, dated 7th June, 1926; No. 32861, dated 14th December, 1927.		
Sharakpur	No. 1025-S., dated 18th August, 1885.	No. 1025-S., dated 18th August, 1885; No. 11072, dated 2nd May, 1917.	dated 6th April, 1923.	No. 23223, dated 18th December, 1918; No. 15999, dated 24th May, 1923; No. 30975, dated 30th November, 1927.		
Sheikhupura.	•••	No. 29856, dated 18th November, 1933.	•••	No. 23864, dated 15th September, 1933.		
Shujabad	No. 976-S., dated 13th August, 1885.	No. 976-S., dated 13th August, 1885.	No. 6333, dated 29th February, 1924.	No. 6334, dated 29th February, 1924.		

# APPENDIX B—continued.

Municipality.	Notifications constituting the municipality under the Punjab Municipal Act, 1884, 1891 or 1911.	Notifications regarding municipal boundaries.	Notifications regarding the composition of municipal committees.	Notifications of rules with regard to classes of voters, elec- toral wards, etc.	
Sialkot	No. 415, dated 14th November, 1885.	No. 415, dated 14th November, 1885; No. 459, dated 3rd July, 1889; No. 350, dated 9th July, 1897; No. 8, dated 4th January, 1913; No. 717, dated 17th Octo- ber, 1916; No. 20053, dated 13th November, 1918.	No. 26196, dated 18th October, 1933.	No. 24280, dated 24th Octo- ber, 1923; No. 562, dated 7th January 1924; No. 15609, dated 24th May, 1927.	
Simla	No. 803, dated 23rd October 1885.	No. 803, dated 23rd	No. 17540, dated 20th June, 1927.	No. 17541, dated 20th June, 1927.	
Sirsa	No. 137, 17th February, 1886.		No. 15156, dated 7th May, 1923.	No. 13948, dated 4th May, 1926.	
Sonepat	No. 815, dated 30th November, 1886.	No. 815, dated 30th	dated 17th January, 1923.		

Municipality.	Notifications constituting the municipality under the Punjab Municipal Act, 1884, 1891 or 1911.	Notifications regarding municipal boundaries.	Notifications regarding the composition of municipal committees.	Notifications of rules with regard to classes of voters, elec- toral wards, etc.
m . m		13353, dated 2nd July,1918.		No. 1491
Tarn Taran	•••	•••	•••	No. 1431, dated 11th January, 1934; No.
				7924, dated 8th March, 1934, No. 1430, dated 11th Jan-
Thanesar	No. 1044-S., dated 19th August, 1885.	No. 900, dated 10th May, 1897.	No. 13469, dated 3rd July, 1918.	uary, 1934. No. 5048, dated 25th February, 1925.
Urmar-Tanda	No. 1041-S., dated 19th August, 1885.	No. 1041-S., dated 19th August, 1885.	No. 30442, dated 1st December, 1922.	No. 23645, dated 10th October, 1923.
Wazirabad	No. 3, dated 18th Jan- uary, 1886.	No. 31, dated 18th Jan-	No. 27638, dated 24th November, 1923.	No. 27639, dated 24th November, 1923.
Zira	No. 78. dated 1st Feb- ruary, 1886.	No. 78, dated 1st Feb.	No. 17759, dated 21st June, 1923.	No. 4084, dated 9th February, 1926; No. 10035, dated 29th March, 1926.

#### APPENDIX C.

## THE PUNJAB GENERAL CLAUSES ACT, 1898.

## SECTION 21.

[ Vide Part I, sections 200 and 240 (5). ]

- 21. Where, by any Punjab Act, a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then, unless such Act otherwise provides, the following provisions shall apply, namely:—
  - (1) the authority having power to make the rules or bye-laws shall, before making them, publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby;
  - (2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Local Government prescribes;
  - (3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;
  - (4) the authority having power to make the rules or bye-laws, and where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified;
  - (5) the publication in the *Gazette* of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made.

## APPENDIX D.

RULES WITH REGARD TO LAND IN THE MUNICIPALITIES OF DHARMSALA, MURREE AND SIMLA.

(Vide Note to rule VI, 1, page 145.)

- I. LHARMSALA.—Punjab Government Notification No. 809, dated 25th November, 1886.
- 1. I and, which is the property of the committee under section 71 (f) (of the Punjab Municipal Act, 1881) may be sold by the committee for building sites or other purposes by public auction, under the following procedure, either upon an application from an intending purchaser or without such application.
- 2. A notice stating the situation and area of the land and of the intended date and place of sale by auction, shall be prepared in English and Vernacular, and shall be posted up at the kacheri and at some spot near the land, and in such other manner as the committee may deem suitable. Such notice shall be issued at least 15 days before the date of the auction.
- 3. The sale shall be conducted under the supervision of the president or any member of the committee whom he may depute.
- 4. The land shall be put up at an upset price to be fixed by the committee, and the sale shall be to the highest bidder above that price. The applicant shall have no priority of claim, and, in case of dispute, the presiding officer shall decide.
- 5. The purchaser shall deposit earnest-money at the rate of 10 per cent. of the purchase-money within 24 hours of the time of sale, and the balance of the purchase-money within one month of that time, failing which the sale will be cancelled and the earnest-money forfeited.
- 6. Sales of land in the Upper Station shall ordinarily be held between 1st April and 1st November.

Sales in the Lower Station may be held at any time.

- II. MURREE.—Punjab Government Notifications No. 2712, dated 19th October, 1867 and No. 2557, dated 3rd August, 1869.
- 1. Parties wishing to build are to choose a site and then to make application for it to the municipal commissioners. They may reject the application if the limits proposed are not suitable, with reference to the nature of the ground, and the limits of the adjoining sites.

- 2. No application for sites in the tract known as the "forest" will be granted under any circumstances.
- 3. Should no objection exist, the sites applied for will be put up to pubic auction at an upset price of 50 rupees per acre.
- 4. Ten acres is the largest extent of ground which can be sold to one person in a single lot.
- 5. All sales will be made and all estates are at present considered to be held under the following conditions, so far as these conditions are applicable in each case:—
  - (1) Water springs and streams are reserved as public property.
- (2) All public roads and thoroughfares are to be maintained and 20 feet on either side from the centre of any public roads or pathways originally traced for a road are public property. (Secretary to Chief Commissioner's No. 1945, dated 16th September, 1854).
- (3) The purchaser shall deposit ten per cent. of the purchase money at the time of sale, failing which the property shall be at once put up for re-sale at the owner's risk. If the balance of the purchase money be not paid within one month after sale, the site and the ten per cent. of the purchase money deposited shall be forfeited.
- (4) The purchaser shall defray all expenses connected with drawing, stamping and registering the deed of sale of the site purchas-Every such deed of sale shall be signed by the secretary on behalf of the Murree Municipality; and shall, unless otherwise agreed by the committee, contain a covenant, on the part of the purchaser, that he will conform to and carry out all the conditions and agreements set forth in section 6 of this Schedule. and elsewhere in the Murree Municipal Rules; that he will within twelve months commence to build and will push forward the work with reasonable rapidity; that the sale is conditional upon the house being completed within two years; and that in default of such completion it shall be in the option of the committee to declare the sale cancelled, and thereupon to enter upon the site, take possession of all buildings, building materials, that may have been placed and left by the purchaser upon the site, as the absolute property of the municipality and to dispose of the same as they may think fit without either the committee or the future purchaser incurring any liability to the present purchaser in respect of the buildings or building material so disposed of or of the money so received; and that the purchaser will join in the execution of any instrument necessary for completing the title of any person so purchasing on a re-sale by the committee.
- (5) A sketch plan with the elevation of the house proposed to be built to be submitted for approval within a reasonable period after sale, before building is commenced. The purpose also for which the building is intended must be stated and approved.

(6) The right of carrying public roads through private estates is reserved, but it is not to be used excepting in cases where the public benefit is clear and important, and is then to be exercised with the greatest consideration for individuals which is consistent with the attainment of the required object. Moderate compensation will be allowed. The said compensation to be assessed by the municipal commissioners.

(7) Conspicuous boundary marks of pucca masonry shall be erected. Each applicant shall deposit twenty rupees for their re-erection. They shall be erected by the secretary after having received the approval of the three commissioners as prescribed by rule 16. Schedule B. If the boundary pillars cost more or less than Rs. 20 the difference shall be recovered from or refunded to the applicant as the case may be; if the purchaser is other than the applicant, the deposit Rs. 20 shall be refunded to the applicant and the cost of erected boundary pillars shall be defrayed by the purchaser within twenty-four hours after purchase.

(8) An acre to be the smallest extent of ground occupied by

one house with out-offices except in special cases.

(9) All shops, houses and estates, within the limits of the sanitarium, shall be entered in a book, kept for the purpose in the municipal office, this book is to be styled the Station Register of shops, houses and estates.

(10) All transfers of shops, houses and estates, whether tempo-

rary or permanent, shall be entered in the Station Register.

(11) The registers will consist of two books, one to contain the following details:—

file ton	the following decams.							
Number.	Name of estate or locality where situated.	Area occupied.	Actual or estimated rental.	Name of proprietor.	Date of registration.	Nature of transfer.	To whom.	Date of transfer.

- (12) The other a file book in which the plans are to be posted according to their numbers in the registers. A fee of one rupee will be charged for a copy from the register and a fee of 2 rupees for a copy of an attested plan.
- 6. The secretary shall receive no application for the purchase of a site except it be accompanied by a clear and definite plan of the locality showing exact position and boundaries and no such application shall be laid before the commissioners until these boundaries have been duly verified and conspicuously marked off on the ground by the secretary. No site shall be put up for sale until it has been duly inspected by three of the commissioners and their report submitted at the next meeting.
- III. SIMLA.—Punjab Government letter No. 2174, dated 30th July, 1880.

In this letter sanction was given to the sale proceeds of building sites at Simla being held to belong to the municipal fund, subject to the following restrictions applicable to nazul properties generally:—

(1) that all such proceeds shall be invested for the benefit of the municipal fund instead of being used for current expenditure;

(2) that all sales shall be subject to the sanction of Govern-

ment.

Mr. Coldstream's letter No. 213, dated 19th July, 1893, para. 5.

- "The existing basis seems clearly to be as follows:-
  - (1) The Deputy Commissioner is the custodian of Government land in Simla;
  - (2) Government have vested in the committee the management and uses of trees and all natural products including stone quarries) in the waste and forest on such land;
  - (3) but the lands are the absolute property of the State subject only to rights of user by the villages.

Punjab Government letter No. 461, dated 11th November, 1894.

In this letter it was agreed that Mr. Coldstream correctly stated the position in para. 5 of the letter quoted above, but the municipal committee as the local administrative body is interested in the disposal of sites for building purposes, and proposals for the sale of plots of land for such purposes should not be submitted to Government without the committee being allowed to give its opinion as to the propriety or otherwise of the proposals.

#### APPENDIX É.

#### PARAS. 15 AND 16 OF PUNJAB GOVERNMENT CONSOLIDATED CIRCULAR No. 28.

- Agency of management of staging bungalows and rest-houses for travellers are managed either by Government or by district boards or municipalities. Those which are in the charge of district boards or municipal committees are of two classes, viz.:—
  - (a) Staging bungalows in the set houses formerly maintained by Government, but transferred to the local bodies for management on and after 1st April, 1886.
  - (b) Staging bungalows and rest-houses maintained by the local bodies before 1st April, 1886 or newly established by them since that date.

Punjab Government Resolution No. 942- to and management by local bodies of the Financial, dated 3rd staging bungalows and rest-houses in class April, 1884. (a):

I.—Those within municipal limits are ordinarily made over to municipalities, and those outside such limits are entrusted to district boards. All standing rules and instructions regarding staging bungalows and rest-houses will remain in force. Travellers making complaints or suggestions as to the management of transferred bungalows or rest-houses should be invited to address the Deputy Commissioners who would then communicate with the local body concerned on matters requiring attention. On the abolition of any municipality managing a transferred bungalow or rest-house, the duty will be assigned to the district board in whose jurisdiction the building is situated.

Punjab Government properties which will remain vested in the Government. Local bodies are merely entrust-financial, dated 3rd ed with the management and maintenance of April, 1884.

the properties, and are supplied with funds sufficient for the fulfilment of their obligation. At the same time the provincial revenues are secured against loss. The financial arrangements are as follows:—

The whole of the income is credited to, and the whole cost of maintenance is paid from, the funds administered by the local bodies. But—

(1) Where, at the time of transfer the income exceeded the

cost, the local body concerned is required to pay to the provincial revenues a contribution equal to the average income; and

(2) where at the time of transfer the cost exceeds the income. the Local Government undertakes to pay to the local body from the provincial revenues a contribution equal to the net average cost.

Where the income and cost are equal, no adjustment is made.

The contracts on this basis are made for a term of years on the expiry of which they are renewable, the financial adjustment being revised with reference to the income and cost during the term of the expired contract. A statement of the contributions payable by or to local bodies on account of these and other provincial properties transferred to them for management will be found in the volume of Standing Orders issued by the Accountant-General.

III.—A careful inventory should be prepared by district boards

Punjab Government No. 1391, Resolution dated 22nd May, 1886.

and municipal committees of all the staging bungalows and rest-houses transferred to them, and they should maintain correct accounts of the income and expenditure of each during the

term of the contract. Deputy Commissioners should these inventories and accounts are duly prepared and kept up, as without them there will be no data for the revision of the contracts on the expiry of the period for which they are made.

Punjab Government Resolution No. 13 dated 22nd May, 1886. 1391,

IV.—No claim to abatement of the compensation payable by local bodies to provincial revenues or increase of the compensation payable from provincial revenues to local bodies, during the term of entertained by contract will be the

Government except under very special circumstances.  $\mathbf{A}$ rease in the income, or increase in the expenditure as compared with the figure at which it stood when the compensation was fixed, if due to ordinary causes, will not be admitted as a reason for revising the contract grants. When, however, reduction of income, or increase in expenditure, is the result of orders passed by Government (as, for example, if the Government were to decide to reduce the rate of dak bungalow fees, Government will be prepared to make a corresponding alteration in the amounts payable to or by Government. Local bodies will not be called upon to renew buildings that may be destroyed by fire, flood or other accident, nor will compensation be taken from them in respect of properties which have ceased to exist.

V.—The transfer to local bodies of dak bungalows and resthouses does not invest them with authority Punjab Government Resolution No. 1391, to establish new dak bungalows, etc., without dated 22nd May, 1886, the sanction of Government. The contract refers to existing institutions only; and Government reserves to itself the power of establishing others.

Rules of management, Punjab Government (Public Works Department) Circular No. 4 of 1874 and Punjab Government Circular No. 18-A of 1875. 16. The following rules have been drawn up for the guidance of officers, boards and committees in charge of staging bungalows:—

The Deputy Commissioner, or in the case of staging bungalows that have been transferred to local bodies, the district board, or municipal committee, as the case may be, is responsible for the staging bungalows in the district.

- 2. The rooms of the bungalows should be kept clean and well-ventilated. The bearer (or the *khidmatgar* when there is no bearer) should be charged with the duty of seeing that this is done. The doors and windows of unoccupied rooms should be opened for a short time daily, morning and evening.
- 3. The darris should be taken up and aired once a week, and washed when necessary.
- 4. Once a month the bungalow should be thoroughly cleaned out.
- 5. The chimneys should be swept at the beginning and end of each cold season.
- 6. Muslin window blinds should be provided for bath-rooms, and washed when necessary. The glass of all windows and door to be kept clean.
- 7. The furniture of the rooms should be dusted regularly, and kept properly arranged.
- 8. The *niwar* of the beds should be taken off and washed once a quarter, and be always kept well stretched.
  - 9. All earthen water vessels should be changed once a quarter.
- 10. The door and window chicks should fully cover the openings; they should be strongly bound, and correctly and firmly hung. Chicks, fixed or hanging, should be given to upper windows. The upper windows should be made to open and close as required.
- 11. Heavy chicks should be hung inside verandah openings and should be generally kept rolled up when the rooms in front of which they hang are not occupied.
- 12. All doors and windows should have proper fastenings. Bolts of bath-room doors should be always on the inside of the doors, that is, on the bath-room side.
- 13. The bungalows should be white-washed inside twice a year. After white-washing, the roof-timbers, doors and windows should be carefully cleaned.

- 14. The ground about the bungalows, and the whole enclosure, should be kept clean and in good order.
- 15. A sweeper should be retained as a permanent servant, on such rate of pay, as, along with gratuities from travellers, will obtain his services.
- 16. At places where it is found that the attendance of a bahishti, when required by travellers, cannot be reckond on, one should be employed on the bungalow establishment.
- 17. A report of the state of each staging bungalow should be obtained some time in each half year. The report can be obtained from a Civil, Police or other Officer, as found convenient.

#### 18. Cancelled.

- 19. The grass of the staging bungalow compound should be sold annually to the highest bidder and the proceeds credited as income of the staging bungalow.
- 20. A copy of the Staging Bungalow Rules (printed below) should be suspended in a convenient position in each room, and one copy in the front verandah.
- 21. Two books in which travellers are to enter their names, etc., as prescribed in the Staging Bungalow Rules, are required for each bungalow,—one book to be in use, in alternate months, while the other is sent, with the collections of the previous month, to the Deputy Commissioner, district board or municipal committee, as the case may be,
- 22. A copy of the Staging Bungalow Rules, printed in small size for the purpose, should be fixed in the beginning of each book.
- 23. The servant in charge should be directed to present the bungalow book to all travellers on their arrival and departure (rules 9 and 10).
- 24. The tariff (rule 14) should be suspended in each room. The khansama should be encouraged to keep a small quantity of well-selected stores. The price list of furniture, etc., (rule 15), will be kept by the servant in charge.
- 25. It may be rescribed as a local rule, applicable to certain bungalows, that after three days' stay in the bungalow the occupants will be charged double fees. The orders of the Commissioner should first be obtained regarding each bungalow to which it is proposed that the rule should be applied. A printed copy of the rule should then be suspended in the bungalow beside the sheet of general rules; and the rule as applied to that bungalow should be published in the Government Gazette and in a provincial newspaper.

The Commissioner may, in special cases, allow an official of Government letter No. 1451-S., dated 1st August, 1907.

The Commissioner may, in special cases, allow an official of Government ment or of a local body, when no house accommodation is available to occupy one or two rooms in a staging bungalow, elsewhere than in the Simla District, on such terms as to duration and payment of fees as the Commissioner considers necessary.

26. Furniture not less in amount than the following should be supplied for each room in the travellers' bungalows:—

Sitting Rooms.

Dressing-Room and Bath-Room.

table.
 tipais or small side tables
 chairs.
 bed.
 fender (metal or wooden tin-lined)
 candle-sticks.

dressing table and looking glass.
 wash-hand table with crockery.
 tipai or small side table.
 towel horse.
 chair.
 cane moras.

1 bath or tub.
1 metal basin.
1 commode.

Darris in sitting room and dressing room.

A row of hat pegs and a few shelves should be added, where this can conveniently be done, if they have not been put up in the original construction of the bungalow.

Subject to budget provision and to the rule which requires that articles to be procured from England must be obtained by indent on the Secretary of State and not by direct purchase, Deputy Commissioners may sanction expenditure on furniture, plate, glass, crockery and table linen in dak bungalows and rest-houses up to a maximum of Rs. 200 for the district in any one year, and, subject as above, charges in excess of such amount for such purposes may be sanctioned by Commissioners. This rule applies only in the case of dak bunglows and rest-houses maintained at the cost of Provincial Revenues. In the case of rest-houses and the like transferred to Local Bodies, the purchases should be regulated by the general rules applicable to local expenditure (Punjab Government Circular No. 2660, dated 9th October, 1882).

- 27. A list of the table and kitchen furniture, dishes, glass, etc, supplied to each bungalow (which differ in amount for different bungalows) should be kept by the servant in charge.
- 28 The purchase of books, magazines or newspapers for dak bungalows is prohibited Expenditure may, however, be incurred for the binding and preservation of books already in or which may at any time be presented to the dak bungalows (Punjab Government Circular No 2087, dated 4th July, 1878).

- 29. When the servant in charge of travellers' bungalow is transferred or removed, the Deputy Commissioner should require him to obtain from the man who takes his place a receipt for all the articles in his charge.
- 30. A copy, in the vernacular, of all the instructions in this memorandum which concern the servants in charge of the bungalow should be given to them.

Construction and Alteration of Staging Bungalows.

All ordinary and periodical and petty repairs of staging bungalows should as a rule be executed by Civil Officers and not by Public Works Officers (Punjab Government Circular No. 664, dated 8th March, 1881).

In building the walls, arrangement should be made for fixing row of that pins in the sitting room, dressing room and bath-room.

A recess should be made in each room with a few shelves as fix-tures.

The chimney flues should have an area throughout equal to about a square foot, with openings at the top not less in total area. The openings at the top should be fitted with wire net or iron gratings. When chimneys are found to smoke, steps should be taken to remedy the defect. In particular it should be seen that the openings at the top are made of sufficient size, and that the flues are thoroughly cleaned.

The outlets for water from bath-rooms should be broad and low, and fitted with iron gratings, the bars of which should be thin, and placed horizontally, not vertically.

The water from bath-rooms should be properly disposed of outside by a drain or otherwise.

In fixing the door-frames, it should be seen that those of the bathrooms are made for the doors to open inwards, that is, into the bathroom, and similarly the door between the sitting room and dressing room, to open into the dressing room, the fastenings beings on the inside.

Doors may conveniently be made of a single leaf of moderate width and fitted with case, locks or latches with handles, the door-frame being sunk flush with the floor. Windows are generally better in two leaves with bolts above and below.

Ceiling-cloths should not be used when the roof above can without disadvantage be left open. When ceiling-cloths are required they should be stretched on wooden frames.

Punkhas should be hung from not less than three hooks. The cloth covering the wooden-frame (when this construction is used) should be washed and re-stretched when necessary, but not covered with lime white-wash.

#### APPENDIX F.

# SYLLABUS FOR SANITARY INSPECTORS.

(P. G. Notn. No. 18201-A-Sany., dated 4th July, 1927; No. 21162, dated 10th August, 1927).

A course of instruction for those who wish to become sanitary inspectors will be held annually in Lahore, and will last about six months from October to April.

#### 2. The course will consist of-

- (a) A series of at least twenty-five lectures on Public Health by the Assistant Director of Public Health.
- (b) A series of at least twenty-five practical demonstrations in Municipal Hygiene, including the provisions and working of the Punjab Municipal Act by the Medical Officer of Health, Lahore.
- (c) A series of at least twenty-five lectures or demonstrations on Minor Sanitary Engineering by the Executive Sanitary Engineer.
- (d) A course of technical drawing at the Mayo School of Arts, from 15th October till 31st March, the class meeting not less than sixty times.
- 3. The following subjects will be included in the above course of instruction:—

# A.—GENERAL HYGIENE.

Water.—Sources of supply and their characteristics; rain water, surface water, rivers, streams, canals, ground water, surface and deep springs and wells. Impurities and sources of pollution. Purification processes, storage filtration, softening. Simple bacteriological counts on gelatine and agar for controlling the efficiency of filter beds. Taking of samples.

Air.—Composition, movements, sources, and character of impurities, air space inside and outside buildings, superficial cubic and window space, overcrowding on space and in buildings. Influence on health of overcrowding and insufficient air supply congested areas, back to back houses, obstructive buildings. Ventilating principles, natural and artificial inlets and outlets, as applied to dwelling houses, schools, public buildings.

\* Food.—Milk—Character, impurities, adulteration, collection, storage and distribution, pasteurisation and sterilisation, diseases connected with. Meat.—Character of, good and unsound meat, diseased meat. Butter and ghi. Flour, food-grains.

Soil.—Character of; dryness and dampness, ground air, ground water. depth, variation, water-logging, ifluence on health, sites for buildings, sanitary precautions. Pollution of soils, sub-soil drainage.

Conservancy.—Collection, removal and disposal of refuse. Latrines and trenching grounds. Scavenging, dumping and incineration. Water-carriage system, water-closets, drains and sewers, treatment of sewage, septic tanks. filters, sewage farms.

Epidemic Diseases.—Causation, mode of spread, and methods of dealing with the more common preventible diseases—cholera, smallpox, malaria, plague, influenza and tuberculosis.

#### Vaccination.

Disinfection.—Principles and practice.

Meteorology.—Thermometer, barometer, rain gauge etc.

## B.—MUNICIPAL HYGIENE.

General duties of the Sanitary Inspector.—Diaries, reports, books and records, organisation and supervisions of inferior sanitary establishment. Examination and reporting on dwelling and lodging-houses, dairies, milkshops and cowsheds, markets, meat shops and slaughter-houses, schools, streets, insanitary areas, conservancy and scavenging system, latrines, trenching grounds, incinerators, sewage farms, water-carriage system, water closets, drainage and sewerage, water supplies, wells, filter beds, stand posts, surface drainage. Actual practice of disinfection, offensive trades.

The provisions and working of the Punjab Municipal Act and bye-laws.

The notification of diseases. Burial and burning grounds.

# C.—MINOR SANITARY ENGINEERING.

General.—The calculation of gradients.

The measurement of areas and volumes including the calculations of small quantities of earth-work, brick-work, masonry, etc., estimating for minor works.

Buildings.—The necessity for foundations. Their proper depth, etc. To distinguish between good and bad bricks, timber, lime, cement, etc. The use of damp-proof course, rat-proof floors.

The details of design of latrines as gathered from a study of plans—permanent and temporary. Details of night-soil depots.

Water-supply — The proper construction of wells to prevent the inlet of surface polluted water.

The calculation of the capacity of the well and the average supply of water likely to be obtained from it.

Simple methods of calculating the discharge of small channels.

The various methods of raising water used in India and the construction of ordinary lift and force pumps.

The use and construction of small cisterns and tanks for the storage of water.

The method of driving tube wells, their use, and the position in which suitable.

Drainage.—The materials used in drainage works.

The use of drainage pipes, glazed and unglazed, brick drains, syphon traps, cesspools, septic tank, etc.

The various methods of street drainage.

The proper gradients for drains of varying sizes.

The methods of flushing and cleaning drains.

Disposal of sewage, etc.—Methods of sewage purification in use in the Punjab.

Simple plant for domestic sewage disposal.

The formation of small collecting tanks and areas for sewage purification.

The proper crops to grow under sewage irrigation.

## D.—TECHNICAL DRAWING.

The use of drawing instruments.

The use and construction of scales.

Elementary geometrical drawing.

Elementary engineering drawing.

Candidates will provide themselves with pencils, pens, ink, rubber and drawing instruments as laid down by the Principal, Mayo School of Arts, and will pay in advance for stationery an amount to be fixed by the Principal.

Students failing to attend 80 per cent. of the class meetings

and to obtain 40 per cent. of the total marks in the concluding examination will not be admitted to the Sanitary Inspectors' examination.

- 4. Applications for admission to the course must reach the Director of Public Health, Punjab, Lahore, not later than the 31st August in each year, stating clearly applicant's name, age, caste, residence, present appointment, if any, and father's name and employment, and must be accompanied by the following certificates:—
  - (1) Of having passed the Matriculation (Entrance) Examination or School Final. Preference will be given to those who have passed (in the first division) the Matriculation (Entrance) Examination in the Faculty of Science, and those who have taken Drawing as an optional subject and passed therein.
  - (2) Of character from some responsible person.
  - (3) Of having done at least three months' continuous practical training in sanitary work under a duly qualified Sanitary Inspector
  - In very exceptional cases the Director of Public Health is empowered to dispense with all or any of these certificates.
  - 5. A preliminary selection of candidates will be made by the Director of Public Health and all candidates so selected will be required to appear at Lahore before the Assistant Director of Public Health on a date in October, which will be notified, to pass the following tests:—
  - (1) Medical examination for physical fitness.
  - (2) Preliminary examination in the following subjects:—
    English: Writing, Spelling and Dictation.
    - Arithmetic: up to fractions (vulgar and decimal), simple proportion and weights and measures.
  - If more than 25 candidates are found qualified by the Assistant Director of Public Health, final selection for admission to the class will be made by the Director of Public Health. The class will be ordinarily limited to 25.
- 6. The fee for this course excluding Technical Drawing will be Rs. 75 which must be paid to the Assistant Director of Public Health as soon as a candidate is informed that he has been selected; until this fee is paid candidates will not be admitted to the class.

The fee for the course of Technical Drawing (Rs. 18) must be paid to the Principal, Mayo School of Arts, Lahore, at the first meeting of the class.

- 7. Each selected candidate is recommended to obtain a copy of the Punjab Municipal Act, 1911. Text-books will be advised by respective demonstrators.
- 8. At the conclusion of the course an examination will be held by the Examining Board nominated by the Local Government, the time and place will be communicated to students towards the end of the course.
- 9. The examination will be written, practical and oral. There will be one paper on General Hygiene, one on Municipal Hygiene and one on Minor Sanitary Engineering, each limited to three hours' duration; a practical examination consisting of the inspection and report on one or more of the subjects mentioned in the syllabus, and an oral examination

The distribution of marks and the minima for passing in each subject will be as following:—

		Maximum.	Minimum for pass.
Municipal Hygiene	Written Oral Written and practical Oral Written Oral	100 50 100 50 100 50	40 20 40 20 40 20

- 10. A certificate signed by the Director of Public Health and the Examining Board will be presented to successful candidates, which will render them eligible for employment as Sanitary Inspectors.
- 11. The fee for examination will be Rs. 25 and no candidate will be admitted to the examination until this fee is paid at the office of Assistant Director of Public Health and unless he has attended four-fifths of the lectures and demonstrations in each subject.
- 12. (a) Candidates passing in the aggregate but failing in one or more subjects will be allowed to re-appear at the next examination for the subject or subjects in which they have failed on payment of the examination fee, without attending a second course.

- (b) Candidates who fail at the second appearance to pass the examination will only be allowed to re-appear for examination after having undergone a second course of training and will be required to re-appear in all subjects. Such candidates will not be given any preference over ordinary candidates when selection is made for the course.
- (c) Candidates who pass in Technical Drawing but fail in the final examination will not be re-examined in Technical Drawing when they present themselves for re-examination.
- (d) Candidates who fail in Technical Drawing will not be required to undergo a second course of training in this subject before presenting themselves for re-examination.
- 13. The examination will not necessarily be confined to the subjects mentioned in the syllabus which is to be regarded merely as a general guide.
- 14. The Director of Public Health will maintain a register in which the names, etc., of persons qualified to be Sanitary Inspector will be inscribed.

## APPENDIX G.

#### FUNDAMENTAL RULES.

# CHAPTER XII.—Foreign Service.

(Vide para. 23, page 230.)

109. The rules in this chapter apply to those Government servants only who are transferred to foreign service after these rules come into force. Government servants transferred previously will remain subject to the rules in force at the time of transfer.

Note 1.—Under rule 109 of the Fundamental Rules, chapter XII of those rules, which contains regulations relating to foreign service, applies to those Government servants only who are transferred to foreign service after the 1st January, 1922, those transferred previously remaining subject to the rules in force at the time of transfer. Government servants of the latter class are, however, entitled to take the benefit of the new leave rules, and will be adjudged to have elected to do so if they do not exercise the option given by Fundamental Rule 58. To cover cases in which such Government servants come under the new leave rules, the Government of India are pleased to rule—

- (i) that their pay in foreign service shall be treated as pay for the purpose of calculating leave-salary; and
- (ii) that the existing obligation of foreign employers to pay a portion of leave allowances during privilege leave shall be held to continue during the first four months of any period of leave on average pay.

(Government of India, Finance Department, resolution No. 35-E. B., dated 18th January, 1922.)

2. With reference to the orders in Government of India, Finance Department resolution No. 35-E B., dated 18th January, 1922 (No. 1 above), which contained instructions for calculating the leave-salary of officers in foreign service before the introduction of the Fundamental Rules but who elect to come under the new leave rules, the Auditor-General has pointed out that the orders in the resolution were not intended to place officers who were transferred to foreign service before 1st January 1922 and who have elected to come under the new leave rules, in a better position in the matter of leave-salary than those transferred to foreign service subsequently. What was intended is that the principle of the rule in Fundamental Rule 116 should be applied to both classes of officers. The expression "their pay in foreign service" in clause (i) in the resolution should therefore

be taken as meaning the pay drawn in foreign service less such part of it as may be paid as contribution.

In the case of officers who are exempted from the payment of contribution, leave-salary should be based on the actual pay in foreign service without regard to the contribution which would have been paid but for the exemption.

(Punjab Government, Finance Department, No. 27332-F., dated the 7th November, 1922.)

3. \* \* \*

4. As it is understood that some doubt exists as to the correct interpretation of Fundamental Rule 109, which lays down that Government servants transferred to foreign service prior to the 1st January, 1922 will remain subject to the rules in force at the time of transfer, the Government of India state that this rule applies only to the original period for which their services were transferred beginning before and terminating after the 1st January, 1922. Any further extension should be treated as a fresh transfer and governed by the Fundamental Rules. The same principle will apply as to the date from which the new rates of contribution will apply, as prescribed in Mr. Jukes' letter No. 64-E. B., dated the 27th January, 1922. The terms of extensions commencing after the 1st January, 1922 already sanctioned will not be affected by this order unless the foreign employer was specifically warned of the liability to revision.

(Government of India, Finance Department, No. 1391-C. S. R., dated 17th August, 1923.)

5. The Governor General in Council has decided that in the case of officers transferred to foreign service after the date of this resolution, to whom the Fundamental Rules do not apply, the rules regarding contributions, leave-salary and pension shall be the same as those applicable to Government servants whose employment on foreign service is governed by the Fundamental Rules. For the purposes of this resolution, a transfer to foreign service includes an extension of the term of employment of an officer who is already on foreign service.

(Government of India, Finance Department, resolution No. 323-C. S. R., dated 28th February, 1924.)

6. On the question of the possibility of officers transferred to foreign service being admitted to the concession of sterling overseas pay to which they would have been entitled under the Superior Civil Services (Revision of Pay and Pension) Rules, 1924, had they not been so transferred, the Government of India have decided that it is impossible to express any part of the pay of an officer on foreign service in sterling. The question whether such officers should be given a corresponding increase in their rupee pay is one for settlement in each

case in consultation with the foreign employer. If it is decided, after such consultation, that an increase should be granted, the calculation of the rupee value of sterling pay will be made at the current rate of exchange on the date the officer is transferred to foreign service. In the case of officers already in foreign service, the rate will naturally be the rate on the date with effect from which their pay is revised.

In certain cases, the pay of officers in foreign service is fixed as the pay they would receive in Government service or such pay plus a certain percentage thereof. In such cases the Government of India consider that the foreign employer can equitably be called upon to pay the equivalent of sterling overseas pay according to the terms of the arrangement, though even in such cases his concurrence should be obtained. The sterling pay will then be converted monthly to rupees at the "current rate."

(Government of India, Finance Department, letter No. F.-211-C.S.R.-25, dated 6th July 1925).

7. Paragraph 2 of Government of India, Finance Department, letter No. F.-211-C.S.R.-25, dated 6th July, 1925 (No. 6 above) should be taken as applicable to all cases in which the pay of an officer in foreign service is fixed as the pay which he would receive from time to time in Government service or the pay of a post in Government service, with or without an addition thereto in the form of a percentage of such pay and/or of a fixed sum.

As some misapprehension appears to exist regarding the interpretation of the expression "current rate of exchange" used in the letter (No. 6 above), the Government of India state that it means the current rate as defined in article 343, Account Code.

The decision that overseas pay should not be paid in sterling was based mainly on a consideration of the complications which would arise from an accounts point of view if Government were to make payments in sterling through the High Commissioner for India and recover the amount from the foreign employers. If, however, a foreign employer prefers to make his own arrangements to disburse the overseas pay in streling and the employee agrees to it, the Government of India have no objection to the adoption of such a procedure; in that case, for the purpose of calculating contribution the amount paid in sterling should be converted to rupees at the "current rate of exchange."

(Government of India, Finance Department, letter No. F-211-C.S.R.-25, dated 19th January, 1926.)

8. With reference to their Finance Department letter No. F/211-C.S.R.-25, dated 19th January, 1926 (No. 7 above) the Government of India explain that where the pay during foreign service of an officer who is entitled to the passage concessions under schedule IV to the Superior Civil Services (Revision of Pay and Pension) Rules,

1924, is fixed as the pay which he would receive from time to time in Government service with or without an addition thereto in the form of a percentage of such pay and/or of a fixed sum, the foreign employer is liable to pay, in addition to the pay originally fixed and the sterling overseas pay or its equivalent in rupees, passage pay at the rate of rupees 50 per mensem, with effect from the 1st April, 1924. The Passage Fund has been abolished with effect from the 1st April, 1926, but foreign employers will continue to be liable to pay Rs. 50 per mensem in the case of officers referred to above as their share of the cost of free passages. The amount so recovered from the foreign employer from the 1st April, 1926 onwards should be credited to the head "XXXIII—Receipts in aid of Superannuation—Contributions for pensions and gratuities" in the same way as contributions towards leave salaries and pensions. This decision is applicable also to officers of the Indian Educational Service, employed in Chiefs' Colleges. Where, however, no recovery has been made till now, recovery should be made only from the month in which intimation is made to the foreign employer.

(Paragraph 1 of Government of India Finance Department, No. F/18-VI-C.S-R./26, dated 12th June, 1926).

- 110. (a) No Government servant may be transferred to foreign service against his will.
- (b) A transfer to foreign service outside India may be sanctioned by the Governor-General in Council.
- Note.—The Government of Madras is authorised to transfer to service in Ceylon any Government servant other than a member of an all-India service.
- (c) Subject to any restrictions which the Governor-General in Council may by general order impose in the case of transfer to the service of an Indian State, a transfer to foreign service in India may be sanctioned by the Local Government under which the Government servant transferred is serving.
  - 111. A transfer to foreign service is not admissible unless:
    - (a) the duties to be performed after the transfer are such as should, for public reasons, by rendered by a Government servant, and
    - (b) the Government servant transferred holds, at the time of transfer, a post paid from general revenues or holds a lien on such a post.

Note.—Under Fundamental Rule 111 the transfer of a temporary Government servant to foreign service is permissible. (Government of India, Finance Department No. F.-66-C. S. R., dated 22nd July, 1924.)

- 112. If a Government servant is transferred to foreign service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave-salary.
- 113. A Government servant transferred to foreign service will remain in the cadre in which he held a post prior to his transfer, and may be given such substantive or officiating promotion in that cadre as the authority competent to order promotion may decide. In giving promotion, such authority will take into account—
  - (a) the nature of the work performed in foreign service, and
  - (b) the promotion given to juniors in the cadre.
- 114. A Government servant in foreign service will draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service. Subject to any restrictions which the Governor-General in Council may by general order impose, the amount of his pay the amount of joining time admissible to him and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.
- 115. While a Government servant is in foreign service, contributions towards the cost of his pension must be paid to general revenues on his behalf. If the foreign service is in India, contributions must be paid on account of the cost of leave-salary also. Such contributions shall be paid by the Government servant himself, unless the foreign employer consents to pay them They shall not be payable during leave taken while in foreign service.
- Notes.—1. Pensions, throughout this chapter, include bonus, if any, payable to a Government servant's credit in a provident fund.
- 2. In the case of Government servants lent to His Majesty's Government or to British colonies or protectorates, the contribution is payable by the employer, except in the case of Government servants lent to the War Office, whose contributions are paid in accordance with special arrangements with the War Office.
- 116. Contributions will be calculated on the pay drawn in foreign service. In return for the contributions the Governor-General in Council or the Local Government, as the case may be, accepts the charge for the pension, and if the foreign service is in India the leave-salary, of the Government servant. In calculating leave-salary and pension, the pay drawn in foreign service less such part of it as may be paid as contribution, will count as pay for the purpose of rule 9 (2).
- 117. The rate of contributions payable on account of pension and leave-salary shall be such as the Governor-General in Council may by general order prescribe.

- 118. In addition to the contributions prescribed under rule 117, subscribers to any of the following pension funds must pay to Government a contribution equal to one-fourth or one-sixth of the premium paid to the fund:—
  - (a) Bengal Uncovenanted Service Family Pension Fund ... One-fourth.
  - (b) Bombay Uncovenanted Service Family Pension Fund—
    - (i) Subscribers who joined the fund on or before the 12th November, 1900 ... One-fourth.
    - (ii) Those who joined after that date ... One-sixth.
  - (c) Bengal and Madras Service Family Pension Fund ... One-sixth.
- 119. Subject to any general orders of the Governor-General in Council, a local Government sanctioning a transfer to foreign service may—
  - (a) remit the contributions due in any specified case or class of cases, and
  - (b) make rules prescribing the rate of interest, if any, to be levied on overdue contributions.
- Note.—1. The Government of India do not propose to issue any orders under Fundamental Rule 119 (a). (Government of India, Finance Department, No. 1360-E. B., dated 10th December, 1921.
- 2. The following rules have been made by the Local Government under clause (b) of Fundamental Rule 119:-

(Fundamental Rules, Volume II.—Subsidiary Rules (Punjab Financial Hand-book No. 2.)

- 20. 1. If a contribution for leave-salary or pension which is due from a Government servant in foreign service is not paid within fifteen days from the end of the month in which the pay on which it is based has been drawn by the Government servant concerned, he must pay to Government, unless specifically exempted by a competent authority, interest on the unpaid contribution at the rate of four pies a day per Rs. 100 of the amount due, from the date of expiry of the period of fifteen days up to the date on which the contribution is finally paid.
- 20. 2. Interest on overdue contributions will only be remitted in exceptional circumstances when, for instance, the payment of the contribution has been delayed through no fault of the Government servant concerned. Interest will not be remitted in consequence of

delay on the part of the Audit Officer to make a claim, if the facts on which the claim is based were within the knowledge of the Government servant concerned.

- 20. 3. A copy of the orders sanctioning a Government servant's transfer to foreign service must always be communicated to the account officer by the authority by whom the transfer is sanctioned. The Government servant himself should, without delay, communicate a copy to the officer who audits his pay, and take his instructions as to the officer ow whom he is to account for the contribution; report to the latter officer the time and date of all transfers of charge to which he is a party when proceeding on, while in, and on return from foreign service; and furnish from time to time particulars regarding his pay in foreign service, leave taken by him, his postal address and any other information which that officer may require.
- 20. 5. A Government servant on foreign service in India is himself personally responsible for the observance of the rule contained in fundamental rule 122; by accepting leave to which he is not entitled he renders himself liable to refund leave-salary irregularly drawn, and in the event of his refusing to refund, to forfeit his previous service under Government, and to cease to have any claim on Government in respect of either pension or leave-salary.
- 120. A Government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension, or to pension and leave-salary, as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in a contribution paid, and no claim for refund can be entertained.
- 121. A Government servant transferred to foreign service may not, without the sanction of the Local Government, accept a pension or gratuity from his foreign employer in respect of such service.
- 122. A Government servant in foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member, and may not take leave or receive leave-salary from Government unless he actually quits duty and goes on leave.
- 123. A Government servant in foreign service out of India may, unless special arrangements as to leave have been made on his behalf by the authority sanctioning his transfer, be granted leave by his employer on such conditions as the employer may determine. The leave-salary on such leave will be paid by the employer, and the

leave will not be debited against the Government servant's leave account.

- 124. A Government servant in foreign service, if appointed to officiate in a post in Government service, will draw pay calculated on the pay of the post in Government service on which he holds a lien and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.
- 125. A Government servant reverts from foreign service to Government service on the date on which he takes charge of his post in Government service: provided that, if he takes leave on the conclusion of foreign service before rejoining his post, his reversion shall take effect from such date as the Local Government on whose establishment he is borne may decide.
- 126. When a Government servant reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer, and his contributions will be discontinued, with effect from the date of reversion.
- 127. When an addition is made to a regular establishment on the condition that its cost, or a definite portion of its cost, shall be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following rules:—
  - (a) The amount to be recovered shall be the gross sanctioned cost of the service, or of the portion of the service, as the case may be, and shall not vary with the actual expenditure of any month.
  - (b) The cost of the service shall include contributions at such rates as may be laid down under rule 117, and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.
  - (c) A Local Government may reduce the amount of recoveries or may entirely forgo them.

# CHAPTER XIII.—Service under Local Funds.

- 128. Government servants paid from local funds which are administered by Government are subject to the provisions of chapters I to XI of these rules.
- 129. The transfer of Government servants to service under local funds which are not administered by Government will be regulated by the rules in chapter XII.
- 130. Persons transferred to Government service from a local fund which is not administered by Government will be treated as joining a first post under Government, and their previous service will not count as duty performed. A local Government may, however, allow previous service in such cases to count as duty performed on such terms as it thinks fit.

## APPENDIX H.

# THE MUNICIPAL TAXATION ACT, 1881 (XI OF 1881).

Whereas it is expedient to empower the Governor-General in Council to prohibit, in certain cases, the levy of municipal taxes payable by persons in the military ['or air-force] service or by the Secretary of State for India in Council; it is hereby enacted as follows:—

Short title.

1. This Act may be called "The Municipal Taxation Act, 1881."

Local extent, Commencement. It extends to the whole of British India: and shall come into force at once.

- 2. In this Act, "Municipal Committee" includes a Municipal Corporation or a body of Municipal Commistee defined.

  Corporation or a body of Municipal Commissioners constituted by or under the provisions of any enactment for the time being in force.
- 3. Notwithstanding anything contained in any enactment for the time being in force, the Governor-General in Council may, by an order in writing, prohibit the levy by a Municipal Committee of any specified tax—
  - (a) payable by any person subject to the [2Army Act, the Indian Army Act, 1911 or the Air Force], who is compelled by the exigencies of military [1 or air-force] duty to reside within the limits of a Municipality; or
  - (b) payable by the Secretary of State for India in Council.

The Governor-General in Council may, by a like order, rescind any such prohibition.

4. So long as any order made under section 3, prohibiting the levy of a tax on any person mentioned in clause

Secretary of State in Council to pay taxes referred to in section 3, tary of State for India in Council shall be liable to pay to the Municipal Committee mentioned in the order the amount which otherwise would have been payable to such Committee by such persons:

Inserted by the Repealing and Amending Act, 1927.
 Substituted by ","," ","

Provided that the said Secretary of State in Council shall not be liable to pay any sum in respect of any horse which such person is bound by the regulations of the service to which he belongs, to keep.

- 5. So long as any order made under section 3, prohibiting the levy of any tax payable by the Secretary of State for India in Council, remains in force, the said Secretary of State in Council shall be liable to pay to the Municipal Committee, in lieu of such tax, such sums (if any) as an officer from time to time appointed in this behalf by the Local Government may, having regard to all the circumstances of the case, from time to time determine to be fair and reasonable.
- 6. If any question arises whether any duty is military [¹ or air-force] duty within the meaning of this Act, the decision of the Governor-General in Council thereon shall be conclusive.

If any question arises whether any person is compelled as aforesaid to reside within the limits of a municipality, or is bound as aforesaid to keep any horse, the decision thereon of such authority as the Governor-General in Council may, from time to time, appoint in this behalf shall be conclusive.

Note.—In Government of India, Department of Education, Health and Land, Notification No. 61, dated 4th April, 1929, the authority appointed under this section is, for each military district or brigade area not forming part of a military district, the officer commanding such district or brigade area.

<sup>1.</sup> Inserted by the Repealing and Amending Act, 1927.

## APPENDIX I.

# SECTION 3 OF THE INDIAN TOLLS (ARMY ['OR AIR-FORCE]) ACT, 1901.

- 3. The following persons and property, namely:
  - (a) all officers and [2 soldiers and air-men] of -
    - (i) His Majesty's Regular Forces, [ 1 and all officers and soldiers of],
    - (ii) any local corps, or
    - (iii) Imperial Service Troops, when on duty or on the march,
  - (b) all members of a corps of volunteers when on duty or when proceeding to or returning from duty,
  - (c) all officers and soldiers of the Indian Reserve Forces when proceeding from their place of residence on being called out for training or service or when proceeding back to their place of residence after such training or service,
  - (d) all grass-cutters when employed in the service of—
    - (i) His Majesty's Regular Forces,
    - (ii) any local corps,
    - (iii) Imperial Service Troops, or
    - (iv) any corps of Volunteers,
  - (e) all other authorized followers of-
    - (i) His Majesty's Regular Forces,
    - (ii) any local corps,
    - (iii) Imperial Service Troops, or
    - (vi) any corps of Volunteers,
      - when they accompany any body of such Forces, Troops or Volunteers or any members of such corps on the march, or when they are otherwise moving under the orders of military ['or air-force] authority,
  - (f) all members of the families of officers, soldiers, [ 1 airmen] or authorized followers of—
    - (i) His Majesty's Regular Forces, or

Inserted by the Repealing and Amending Act, 1927.
 Substituted by ""

- (ii) any local corps,
- when accompanying any body of troops, or any officer, soldier, [ air-man] or authorized follower thereof on duty or on the march,
- (g) all prisoners under military [1 or air-force] escort,
- (h) the horses and baggage, and the persons (if any) employed in carrying the baggage, of any persons exempted
  under any of the foregoing clauses, when such horses,
  baggage or persons accompany the persons so exempted
  under the circumstances mentioned in those clauses
  respectively,
  - (i) all carriages and horses belonging to His Majesty or employed in His Majesty's military [1 or air-force] service and all persons in charge of or accompanying the same, when conveying any such persons as hereinbefore in this section mentioned, or when conveying baggage or stores, or when returning unladen from conveying such persons, baggage or stores,
  - (j) all carriages and horses, when moving under the orders of military [¹ or air-force] authority for the purpose of being employed in His Majesty's military [¹or air-force] service,
  - (k) all animals accompanying any body of troops which are intended to be slaughtered for food or kept for any purpose connected with the provisioning of such troops, and
    - (1) all persons in charge of any carriage, horse or animal exempted under any of the foregoing clauses when accompanying the same under the circumstances mentioned in those clauses shall be exempted from payment of any tolls—respectively,
      - (i) on embarking or disembarking, or on being shipped or landed, from or upon any landing place, or
      - (ii) in passing along or over any turnpike or other road or bridge, or
      - (iii) on being carried by means of any ferry, otherwise demandable by virtue of any Act, Ordinance, Regulation, order or direction of any legislature or other public authority in British India:

Provided that nothing in this section shall exempt any boats, barges or other vessels employed in conveying the said persons or property along any canal from payment of tolls in like manner as other boats, barges and vessels.

<sup>1.</sup> Inserted by the Repealing and Amending Act, 1927.

## APPENDIX J.

TAXES IMPOSED IN THE MUNICIPALITIES OF THE PUNJAB.

# I.—Under section 61 (1) (a) (i)—On the Annual Value of Buildings and Lands.

Municipality.	Rate of Tax.	Description of Tax.	Notifications.
Municipality.  Ambala  Bahadurgarh  Dalhousie	Rate of Tax. $6\frac{1}{4}$ per cent $3\frac{9}{3}\frac{9}{2}$ , $11$ , $12\frac{1}{2}$ ,	On the annual value of all buildings in municipal limits.  On the annual value of all shops in the Fatch Mandi.  On the annual value of all buildings in the station ward.  On the annual value of all	No. 243, dated 13th May, 1904; No. 14012, dated 4th May, 1926; P. G. letter No. 159, dated 23rd March, 1905. No. 1408, dated 17th January, 1927. No. 732, dated 21st December, 1911; No. 24286,
		buildings other than shops and places of business in the Bazar ward including the Bakrota Bazar.	dated 2nd November, 1920; No. 23200, dated 16th July, 1929; No. 2105, dated 21st January, 1930; (P. G. letters No. 21807, dated 8th September, 1920 and

Municipality.	Rate of Tax.	Description of Tax.	Notifications.
			No. 942, dated 11th January, 1921.)
Gojra	$6\frac{1}{4}$ percent.	On the annual value of all buildings except those of religious institutions within municipal limits.*	No. 595, dated 17th September, 1909; No. 5666, dated 12th March,1918 No. 32031, dated 8th December, 1933.
Isa Khel	per annum  Re. 1 ,,	On buildings or lands the annual value of which is—not less than Rs. 12 but less than Rs. 25  Rs. 25  Rs. 25  Rs. 30  Rs. 50  Rs. 70  Rs. 70  Rs. 100  Rs. 100  Rs. 250  Rs. 250	No. 29734, dated 24th October, 1928; No. 40058.
Jalalpur Jattan	8 per cent subject to a maximum of Rs. 20.	On the annual value of all buildings except mosques, temples, gurdwaras, schools, charitable institutions, mission property, property of the Anjuman-i-Islam, daras or khangahs.	No. 29747, dated 24th October, 1928.

<sup>\*</sup>Note.—It is directed that the annual value of houses and buildings vested in His Majesty and of factories as defined in section 2 of the Indian Factories Act shall be calculated as follows:—

<sup>(</sup>a) for buildings vested in His Majesty and not administered by the Municipal Committee a sum equal to 4½ per cent. of the present value as certified by the Public Works Department;

<sup>(</sup>b) for factories of which the buildings are owned by the proprietors of the factory, a sum equal to 4½ per cent. of the present value of the premises according to the block account.

Municipality.	Rate of Tax.	Description of Tax.	Notifications.
Jullundur City.	5 per cent.	On the annual value of all buildings sit u a ted in the area of the municipality not included in the octroi limits of the municipality as delineated in P. G. Notification No. 538, dated 2nd July, 1909.	No. 12117, dated 10th April, 1923.
Khem Karan	12½ ,,	On the annual value of all buildings situated in municipal limits except Government, district board and municipal buildings and inns, mosques, takias, dharmsalas, mandars and private school buildings.	No. 651, dated 7th January, 1928.
Lyallpur	64 ,,	On the annual value of all buildings in municipal limits.	No. 342 dated 26th July, 1900 No. 17367 dated 20th June, 1927 No. 24063 dated 20th September, 1927; No 18473, dated 11th June, 1928 No. 5585, dated 12th February, 1929; No 32228, dated 22nd October, 1929; (P. G. letter No. 24170 dated 10th November, 1919).

Municipality.	Rate of Tax.	Description of Tax.	Notifications.
Multan	4 per cent.	On the annual value of all buildings and lands not subject to water-tax.	No. 29311, dated 16th November, 1927.
Murree	10 ,,	On the annual value of houses and shops outside the bazar.	No. 468, dated 9th January, 1922.
Pathankot .	12½ ,, 1 ,,	On the annual value of houses and shops in the bazar. On the annual value of all buildings and land? situated within municipal limits.	No. 24010, dated 22nd July, 1931; No. 28144, dated 15th September, 1931; No. 8212, dated
Pind Dadan Khan.	subject to a maximum	buildings.	9th March, 1932.
Rewari Rohtak	of Rs. 25.	On the annual value of all buildings except mosques, temples, dharmsalas, chur ches, public schools, hospitals, orphanages, Govern men thouldings, tombs and chhatris.  On the annual value of shops and godowns in a specified area.	February, 1929. No. 18780, dated 9th June, 1930. No. 288, dated 28th April, 1915;
	416 ,,	On the annual value of all buildings and lands except those situated in the area defined as Plot I in Notn. No. 288, dated 28th April, 1915.	No. 4514, dated 27th February, 1918. No. 31713, dated 5th December, 1927.

Municipality.	Rate of Tax.	Description of Tax.	Notifications.
Sargodha Simla	6½ per cent.  10 "	limits.	
Sonepat	61, ,,	On the annual value of all shops in the Trevaskis Mandi.	No. 18865, dated 22nd August, 1919.

## II.—Under section 61 (1) (a) (ii)—A Ground Tax.

Municipality.	Rate of Tax.	Description of Tax.	Notifications.
Dera Ghazi Khan	1 anna per site 6 pies do. 3 annas per	On residental sites of 5  marlas; On residential sites of 3  marlas;	19th April,
	site Rs. 6 per acre	On shop sites; On factory sites; On the sites of all buildings outside the city circular	
Dharmsala	1 anna per square yard	road. On the area occupied by shops in the bazar. On all vacant sites on which	No. 213, dated 21st July, 1883.
Murree	1/13th pie per square yard or Rs. 2 per unit of 4,840 square	buildings stood before the earthquake of 1905. On every estate outside the bazar not otherwise taxed.	dated 5th April, 1930. No. 468,
	yards.		

Municipality.	Rate of Tax.	Description of Tax.	Notifications
Simla	•••	Iin the case of estates situated in the business	No. 8594, dated 10th
		area—	April, 1917
	1 anna 4 pies	(a) for estates not exceed	(imposed
	per square	ing 120 square yards	with effect
	yard.	in area.	from 1st
	l anna 4 pies	(b) for estates exceeding	January,
	per square	120 square yards but	1918.)
	yard for the	not exceeding 750	
	first 120	square yards in area.	
	square yards		
	and 1 anna		
par en la Partici	per square		
	yard for the		
	remainder.		
	1 anna 4 pies		
	per square	750 square yards in	
	yard for the	area.	
	first 120		
	square yards,		
	1 anna per		
	square yard		
	for the next		
	630 square		
	yards and		
	8 annas per		
	100 square	J.	
	yards for		
	the remain-		
	der.		
		(Tage	
		II—in the case of estates	
		situated in the 'residen-	
	1 anno 4 mi	tial area"—	
	1 anna 4 pies per square	(a) for estates not ex-	
	yard subject	ceeding 750 square	
	to a maxi-	yards in area.	
	mum of Rs.		
	10.		
	Rs. $10 \text{ for}$	(b) \$	
	the first $750$	(b) for estates exceeding	
	square yards,	750 square yards in	
	8 annas per	area,	
	- ammas het	그는 걸 때면 요. 등이 있으는 것 같은 것 그리고 하고 있다.	

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Municipality.	Rate of Tax.	Description of Tax.	Notifications.
Simla—	100 square		
(contd.)	yards for		
	any area in		
	excess of		
	750 square		
	yards up to		
	a total area		
	of 20,000		
	square yards,		
	7 annas per		
	100 square		
	yards for		
	any area in		
	excess of		
	20,000		
	square yards		
	up to a total		
	50,000 square yards, and 6		
	annas per		
	100 square		•
	yards for		
	any area in	e de la companya de l	
e de la companya de l	excess of		
• •	50,000 square		
*	yards.		
	Julian		
		Note.—For the purpose of	
		this schedule the "busines	S
		area" shall be deemed to	
		comprise—(a) the bazars	
		where teh zamini is to be	
		abolished; (b) the Mall	
		from the Combernere	
		Bridge to the western	
		corner of the Telegraph	
		Office; (c) the places of	
		business on the Mall ex-	
		tending from the General	
		Post Office to Talbot	
		House (Bremner's Studio	
		and (d) on the opposite	
		side, from the Carlton	
		Hotel to the Comberner	
		Bridge, with the house	
		below the road, thus bring	<b>g-</b>

Municipality.	Rate of Tax.	Description of Tax.	Notifications.
Simla— concld.		ing into one compact area for equal treatment the whole of the central business part of the town which with the Sadar, Lakkar, Chota Simla, Kaithu and Boileaugunj Bazars will be regarded as the business area for assessment of ground tax. The "residential area" shall comprise the rest of the area within municipal limits not included in the "business area"	

## III.—Under section 6 (1) (a) (iii)—A Frontage Tax.

Municipality.	Rate of Tax.	Description of Tax	: )(	Notifications.
Batala	4 annas per running foot.  6 annas per running foot. 2 annas per running foot. 3 annas per running foot.	On the frontage of houses in Circle A.  On the frontage of shops in Circle A.  On the frontage of houses in Circle B.  On the frontage of shops in Circle B.	all	No. 111, dated 16th March, 1912, as modified by P. G. letter No. 647 (B. and C.), dated 2nd November, 1914; No. 36602, dated 4th December, 1931.

Municipality.	Rate of Tax.	Description of Tax.	Notifications.
Dalhousie	•••	On the frontage of all shops and places of business—	No. 732, dated 21st December, 1911.
	Re. 1 per running foot.	(a) in the upper bazar ward;	1911.
		(b) in the lower bazar ward;	
	12 annas per running foot.	(c) in the Bakrota Bazar	

# IV.—Under section 6I (1) (b)—A Tax on Professions and Trades.

Municipality.	Rate of Tax.	Description of Tax	•	Notifications.
Municipality.  Dharmsala  Gujrat	Rs. 100 per annum  Rs. 70 per annum  Rs. 60 per annum  Rs. 50 per	On Jhampanis and da bearers.  On incomes exceeding Rs. 5,000.  On incomes exceeding Rs. 2,500 but not exceeding Rs. 5,000.  On incomes exceeding Rs. 2,000 but not exceeding Rs. 2,500 but not exceeding Rs. 2,500.  On incomes exceeding Rs. 2,500.		No. 212, dated 21st July, 1883. No. 726, dated 6th December, 1915.
	Rs. 40 per annum  Rs. 30 per annum	ing Rs. 1,500 but not exceeding Rs. 2,000. On incomes exceeding Rs. 1,200 but not exceeding Rs. 1,500. On incomes exceeding Rs. 1,500 but	Of all persons carrying any profession or ar	· <b>\$</b>

Municipality.	Rate of Tax.	Description of Tax.	Notifications.
Gujrat— concld.	Rs. 20 per annum  Rs. 13 per annum  Rs. 10 per annum  Rs. 5 per annum  Rs. 2 per annum  Rs. 2 per annum  Re. 1 per annum	not exceeding Rs. 1,200. On incomes exceeding Rs. 1,000. On incomes exceeding Rs. 1,000. On incomes exceeding Rs. 800. On incomes exceeding Rs. 600. On incomes exceeding Rs. 600. On incomes exceeding Rs. 600. On incomes exceeding Rs. 500. On incomes exceeding Rs. 500. On incomes exceeding Rs. 500. On incomes exceeding Rs. 400. On incomes exceeding Rs. 400. On incomes exceeding Rs. 400. On incomes exceeding Rs. 300.	
Kunjah	As in Gujrat	On the incomes as in Gujrat, with the substitution of Rs. 3,000 for Rs. 5,000, of the same classes of persons within the municipality.	July, 1917.
Muktsar	2 annas per 100 rupees on all sales of grain and oil- seeds.		

Municipality.	Rate of Tax.	Description of	Fax.	Notifications
Rohtak	Rs. 45 per annum  Rs. 30 per annum	On grain, cloth, oil and ghi, sugar and gur merchants; On pansarhat merchants;	trade in a l area.	No. 587, dated 28th September, 1915; No. 4515, dated 27th
	Rs. 22-8-0 per annum Rs. 37-8-0 per annum Rs. 15-6-0	On halwais; On kabaris; On other mer-	carrying on trade specified area	February, 1918.
Sonepat	per annum Rs. 15 per annum	chants; On grain, cloth, oil, ghi, sugar and gur mer- chants;	l within iits and	No. 27389 dated 9th December, 1919.
	Rs. 12½ per annum  (Rs. 10 per annum	On pansarat merchants; On halwais;	the area situated within the octroi limits and	
	Rs. 15 per annum	On building-materials merchants, i. e., wood, lime, stone and brick merchants.	trade in ts outside Mandi.	
	Rs. 10 per annum	Miscellaneous (i. e., merchants, not falling under any of the above-men- tioned catego- ries.)	carrying on the municipal limithe Trevaskis	
		1	o pay the n any of	

Note.—The taxes imposed in Gujrat and Kunjah are of doubtful legality. It was obviously the intention of section 61 (1) (b) that the profession, art, trade or calling of the persons to be taxed should be specified.

2. The following taxes imposed in Ludhiana and Sialkot under section 42 (1) A (b) of the Punjab Municipal Act, 1891, and section 39 (1) A (b) of the Punjab Municipal Act, 1884, respectively, were notified as imposed on shops and stalls erected on the sites of certain annual fairs, but the sections of the old Municipal Acts under which they were notified correspond to section 61 (1) (b) of the Punjab Municipal Act, 1911, and the taxes are really profession taxes.

Ludhiana-Notification No. 409, dated 5th September, 1893.

"A tax at the following rates on shops and stalls erected on the site where the Roshni fair is annually held."

Description of shop or stall.	Class 1	·Class 2	Class 3	Class 4
Sweetmeat and puri and kachowri sellers  Cook shops  Sellers of cooling drinks  Bisatis (pedlars)  Hukka stem rollers (necha band)  Potters  Fruit and vegetable sellers  Aerated water sellers  Glass bangle sellers  Owners of merry-go-rounds  Other shops	Rs. 3 As. 8 Rs. 3 Re. 1	As. 4 Rs. 1-8-0 As. 4 Rs. 1-8-0 As. 8 As. 4 Re. 1	As. 12 As. 2 As. 12 As. 4 As. 2 As. 8 As. 8	As. 6 A. 1 As. 6 As. 2 A. 1 As. 4

Sialkot.—Notification No. 883, dated 31st October, 1890.

"A tax at the following rates on shops and stalls erected on the site where the Baisakhi and Moharram fairs are annually held."

Description of shop or stall.		Class 1	Class 2	Class 3	Class 4
	1	(		1	<u>'</u>
Sweetmeat sellers		Re. 1	As. 8	As. 4	As. 2
Cook shops		As. 8	As. 4		•••
Butchers' shops		As. 8		•••	•••
Sellers of cooling drinks		As. 8	As. 4	•••	•••
Pedlars (maniars)		As. 8	As. 4	•••	
Hukka-stem rollers (necha band)		As. 2	•••		•••
Potters		A. 1	•••	•••	
Fruit and vegetable sellers		As. 8	As. 4		
Aerated water sellers		Re. 1		•••	
Glass bangle sellers		As. 2			
Owners of merry-go-rounds		As. 8		•••	
Other shops		As. 2	•••	•••	
		}			

# V.—Under Section 61 (1) (c).

# 1. On Vehicles.

Municipality.	Description of Vehicles.	Notification.
Abohar	On motor-car and motor-	No. 28, dated 4th Jan-
Abouat	lorry.	uary, 1933.
Amritsar	All vehicles, including	No. 152, dated 3rd March,
	motor-vehicles, except vehicles drawn or pro- pelled by human labour.	1916; No. 34854, dated 25th November 1930; No. 1619, dated 15th
	Hawkers' hand-carts ply- ing with articles for sale.	January, 1934. No. 2471, dated 23rd January, 1924; No. 16350 dated 23rd June, 1924.
Bahadurgarh	Thelas, tonga, ratha or manjauli, camel cart.	No. 17925, dated 30th June, 1933.
Banga ··	Hackney carriages kept within municipal limits. Motor-cars and motor-	No. 18677, dated 11th July, 1921. No. 19833, dated 30th June,
	lorries except those that ply for hire wholly or partly beyond municipal limits.	1923; No. 21063, dated 14th July, 1928; No. 28262, dated 16th Sep- tember, 1931; No. 24788, dated 30th September, 1933.
Bhiwani	Thelas, chhakras and carts, except those be-	No. 214, dated 15th May, 1902.
	longing to biswedars of the town and used for agricultural purposes, kept plying within municipal limits and passing over the roads from the railway goodsshed to the town via Bapora, Hansi, Beri, Dinod and Rohtak gates.  Motor vehicles	No. 22016, dated 19th October, 1925; No 25425, dated 4th September,
Faridabad	All vehicles kept for hire within municipal limits.	1928. No. 364, dated 12th August 1893; No. 32630 dated 13th December 1933.

1.—On Vehicles—contd.

Municipality.	Description of vehicles.	Notification.
Fazilka Gujranwala	and exporting goods,	No. 46, dated 13th Janary, 1906; No. 64, dated 23rd January, 1906.  No. 15, dated 13th January, 1910.
	small wheel barrows used in the streets, carts and behlis.	
Hansi	Thelas passing over the road between Umra gate and the Hansi railway station.	No. 561, dated 11th October, 1894.
Hissar	Thelas or drays using the road between Nagauri gate and the railway station.	No. 50, dated 21st January, 1890.
*	All other vehicles including motor-vehicles.	No. 22923, dated 13th September, 1921.
Hoshiarpur	Hand-carts kept within municipal limits for the purpose of hawking articles for sale.  Motor-vehicles.	No. 29788, dated 12th October, 1926; No. 29378,
Jagraon	Motor-vehicles plying for hire.	No. 18818, dated 12th July, 1927; No. 5060,
Jhang-cum- Maghiana Jhelum	The state of the s	dated 14th Febarruy, 1934.  No. 11258, dated 10th  April, 1930.

1.—On Vehicles—contd.

Municipality.	Description of Vehicle.	Notifications.
Jhelum— concld.	Motor-vehicles	No. 20118, dated 1st August, 1927; 29372, dated 3rd September, 1932; 40568, dated 24th December, 1932; 32823, dated 19th October, 1932.
Jullundur	All vehicles, including motor-vehicles, except country carts used for agricultural purposes.  All carts propelled by hand.	No. 10312, dated 26th March 1923; No. 23643, dated 10th October 1923. No. 28214, dated 7th No- vember, 1927.
Kaithal Lahore	Gaddas drawn by two or more animals, raths and bahlis.  All vehicles including motor-vehicles.	dated 25th May, 1933. No. 459, dated 17th July, 1916; No. 9241, dated 26th March, 1924; No. 8203, dated 4th March, 1929.
Ludhiana  Mithankot	Motor cars, motor lorries, tongas and other carri- ages. Vehicles drawn by horses,	December, 1932.  No. 84, dated 5th Feb-
Moga Montgomery	donkeys, mules, buffaloes, cows or bullocks.  Motor-vehicles  All vehicles, including motor-vehicles, except	ruary, 1918.
Multan	handcarts and camel carriages. All private and licensed-vehicles used for driving, draught or burden.	No. 29317, dated 16th November, 1927; No. 2063, dated 23rd Jan- uary, 1953.
Nur Mahal	On all four-wheeled vehicles, other than motor-vehicles.	

### 1.—On Vehicles—concld.

Municipality.	Description of Vehicle.	Notifications,
Pakpattan •••	Motor-vehicles, horse- drawn vehicles and vehi- cles drawn by one or more bullocks or buffa- loes.	No. 18085, dated 8th August, 1925.
Rawalpindi		No. 24507, dated 7th October, 1922; No. 6257, dated 2nd March, 1933.
Rewari Sargodha	municipal limits. Country carts kept and	No. 537, dated 17th August, 1906. No. 730, dated 21st Octo- ber, 1916; No. 3394, dated 13th February,
Simlø	wheeled vehicles drawn by horses, ponies or mules and two or three-wheeled vehicles drawn or propelled by	
Thanesar	men except perambula- tors. All motor vehicles except motor vehicles kept or plying for hire within municipal limits.	Nos. 2173 and 2175, dated 18th January, 1929.

#### 2.—ON ANIMALS.

Municipality.	Rate of T	Pax. Description of	of Tax.	Notifications.
Dalhousie	8 annas Re. 1-8 Rs. 3	Kept for over 10 days but less than one moth.  Kept for over 1 month but not more than 3 months.  Kept for 3 months.	On every horse, pony or mule kept for riding.	No. 732, dated 21st Decem- ber, 1911.

2.—On Animals—concld.

And the second				
Municipality.	Rate of Tax.	Description of	f Tax.	Notifications.
Murree	Rs. 2 per annum  Re. 1 do.	On every horse a kept for a perio ing one month. On every horse kept for a period ing 10 days but ceeding one mon	and pony d exceed-	No. 707, dated 26th August, 1890; No. 13730, dated 10th July, 1918.
Sargodha	8 annas do. 4 annas do.	On camels  On bullocks and mules	kept and used for commer- cial pur- poses within municl-	No. 730,dated 21st October, 1916.
Simla	2 annas do. Rs. 4 do. Rs. 2 do.	On donkeys On horses, pontand donkeys use ing and driving On horses, pontand donkeys burden.	ed for rid- ies, mules	15th February, 1897.

## 3.—On Dogs.

Dalhousie Rs. 3 annum fodog. Rs. 8 annum 2 dogs. Rs. 15 annum 3 dogs. Rs. 10 annum each do excess three.	per for On all dogs over two months old kept within municipal limits for more than 10 days.	dated 21st
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3.—On Dogs—concld.

Municipality.	Rate of Tax.	Description of Tax.	Notifications.
Dharmsala	Re. 1 per annum.	On every dog kept within municipal limits for more than 10 days except dogs kept for bona fide agricultural purposes.	No. 589, dated 27th Decem- ber, 1900.
Murree	Re. 1 per annum for 1 dog. Rs. 3 per annum for 2 dogs. Rs. 6 per annum for 3 dogs		
	3 dogs. Rs. 10 per annum for 4 dogs. Rs. 15 per annum for 5 dogs. Rs. 6 per annum each for more than 5 dogs unless belonging to a regular pack when Re. 1 per dog is payable.	days half rates are payable.	No 207, dated 1st May, 1912.
Simla	Rs. 3 per annum for 1 dog. Rs. 8 per annum for 2 dogs. Rs. 15 per annum for 3 dogs. Rs. 10 per annum for each dog in excess of three.	On all dogs that have been weaned.	No. 293, dated 16th May, 1910.

# VI.—Under section 61 (1) (d). Tolls on Vehicles and Animals.

Municipality.	Rate of Toll	. Description of Toll.	Notifications.
Gurdaspur	1 anna pe trip pe cart.		No. 29509, dated 14th December, 1923; No. 18475, dated 11th June, 1928.
Hodel	1 anna pe cart 3 pies pe animal	Thelas, ladhas, bullock- carts and camel carts	No. 8678, dated 8th March, 1934.
Jagadhri	3 pies pe		No. 6111,
	trip 6 pies pe trip		dated 19th February, 1932.
	9 pies pe	r ,, ,, ,, three ,,	*
	lanna per	Thela.	
Jullundur	1 anna pe	or loaded carts drawn by 2 or more animals.	No. 23041, dated 27th September, 1923; No. 17371, dated 20th June, 1927.
			(P. G. letter No. 24315, dated 3rd
	6 pies pe	one animal or one or more men.	
	6 pies pe		
	3 pies pe	On loaded donkeys, mules or bullocks. Provided that—  (a) no toll shall be levied more than once in a single day in respect of	

## Tolls on Vehicles and Animals—contd.

[ Part V

## Tolls on Vehicles and Animals—contd.

Municipality.	Rate of Toll.	Description of Toll.	Notifications.
Murree—	• • •	Rs. A. P. (b) carrying more 2 0 0 than 4 and less	
		than 9 persons. (c) carrying more 3 0 0 than S and less	
		than 13 persons. (d) carrying 13 4 0 0 persons or more.	
		Explanation.—For the purpose of calculating the number of persons	
		carried by a vehicle no account shall be taken of persons exempt from	
		the payment of tolls under section 3 of the Indian Tolls (Army)	
		Act, 1901.  Rs. A. P.  (2) Motor bicycles 0 8 0  Motor bicycles 0 12 0	1
		with side-car. (3)Ordinary bicy- 0 1 0 cles and tricy-	
		cles. (4) Vehicles drawn by horses—	
		(a) All 2-horse 1 0 0 vehicles. (b) All 1-horse 0 12 0	
		vehicles other than ekkas.	
		(c) Ekkas 0 6 0 (5) On bullock or mule carts—	
		(a) Drawn by 0 4 0 2 bullocks or	
		mules. (b) Drawn by 3 0 6 0 bullocks or mules (c) Drawn by 4 0 8 0	
		(c) Drawn by 40 8 0 bullocks or mules.	

#### Tolls on Vehicles and Animals—contd.

Municipality.	Rate of Toll.	Description of Toll.	Notifications.
Murree—concld.		Under (2), (3), (4) and (5) the rates payable are irrespective of the num- ber of persons in the	
		vehicles. Exemptions.—(1) All vehicles exempted from	
		payment of tolls and all vehicles carrying only persons or property	
		exempted from payment of tolls, under section 3 of the Indian Tolls (Army) Act, 1901.	
		(2) Vehicles carrying only stores and materials belonging to the Public	
		Work Department, Pun- jab, or to contractors actually woking for the	
		Public Works Department, with persons employed in the carriage of such stores and	
		materials. (3) Steam road rollers belonging to Govern-	
		ment or to any local body.  It is also provided that no-	
		thing in the notification of the tax shall apply to:  (a) Through traffic to	
		Kashmir, the Gallies, the cantonments and camps surrounding Murree with the excep-	
		tion of Murree canton- ment. (b) Government owned carts.	

VI.—Under section 61 (1) (d)—contd. Tolls on Vehicles and Animals—contd.

Tolls on Vehicles and Animals—contd.			
Municipality.	Rate of Toll.	Description of Toll.	Notifications.
Murree— concld.		(c) Bona fide military stores, which are the bona fide property of Government at the time when they enter municipal limits and are certified as such by a gazetted military officer under the prescribed military pass in I.A.F.Z2114.  (d) Bona fide Murred municipal stores certified as the property of the Murree municipal committee at the time when they enter municipal limits and accompanied by a pass signed by the president, vice-president or secretary of the Murree municipal committee at the time when they enter municipal companied by a pass signed by the president, vice-president or secretary of the Murree municipal committees at the time when they enter municipal committees are municipal companied to the murree municipal committees and accompanied to the murree municipal committees are municipal committees.	
Rawalpindi	2 annas 6 pies 7 anna 8 pies 1 pie	carts drawn by one or two animals and two or three-wheeled hand-carts.  On each loaded cart  On each loaded rehri (drawn by a pony or one bullock)  On each loaded camel  On each loaded pony	No. 6223, dated 11th March, 1925; No. 9386, dated 28th March, 1933. No. 803, dated 14th November, 1916, No. 39712, dated 19th December, 1932; No. 39711,
<u>-</u>		or donkey	dated 19th December, 1932.

# VI.—Under section 61 (1) (d)—concld. Tolls on Vehicles and Animals—concld.

Municipality.	Rate of Toll	Description of Toll.	Notifications.
Sialkot Sonepat	wheel per mensem.  1 anna  4 annas	On tum-tums, tongas and ekkas plying for hire and entering the municipality. On Thelas, gaddas, bullock carts and camel carts, (per cart). On motor or lorry. Horses, ponies, camels.	dated 1st September, 1911.

#### VII.—Under section 61 (1) (e)—On Menial Domestic Servants.

Municipality.	Rate of Tax.	Description of Tax.	Notifications.
Dalhousie	4 annas each 8 annas do. Re. 1 do.	vants of an employer resident for more than 10 days but not over a month.  On menial domestic servants of an employer resident for more than 1 month but not over 3 months.  On menial domestic servants of an employer resident for more than 3 months.	No. 732, dated 21st December, 1911.
Dharmsala	8 annas each per annum.	On menial and domestic servants.	No. 170, dated 12th April, 1892; No. 9162, dated 15th March, 1932.
Murree	Re. 1-8 each	exceeding 30 days but not over 90 days.	No. 289, dated 29th April, 1916.

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VIII.—Under section 61 (1) (g)—Scavenging Tax.

Municipality.	Rate of Tax.	Description of Tax.	Notifications.
Dalhousie	6 per cent. per annum.	On the annual value of all houses and buildings in the station ward.	No. 732, dated 21st December, 1911; No.
			24.86, dated 2nd November, 1920; No.
			2105, dated 21st Janu- ary, 1930
Dharmsala	3 per cent- per annum.	On the gross annual rental of all houses within municipal limits.	dated 20th June, 1925; No. 32496,
			dated 30th October, 1931; No. 9162, dated 15th March, 1932.
Jhelum	Re. 1-4 per mensem.	On each bungalow in municipal limits in respect of which the committee has undertaken house scavenging.	No. 392, dated 1st
Rawalpindi	Rs. 5 per mensem		
	Rs. 3 per mensem.	On workshops and other places where less than twenty persons work and private bungalows and schools.	

1.—Octroi.

Municipality.	Notification imposing the Tax.	Notification of bye- laws <i>re</i> octroi limits.
Abohar	•••	No. 29861, dated 10th September, 1932.
Alipur	No. 13734, dated 2nd May, 1921; No. 1293, dated 11th January, 1923.	September, 1992.
Ambala		No. 27202, dated 30th July, 1932.
Bahadurgarh	No. 30175, dated 22nd December, 1923.	No. 337, dated 20th April, 1909; No. 19598, dated 29th October, 1917.
Ballabgarh	No. 17500, dated 23rd June, 1933.	No. 604, dated 20th October, 1914; No. 17498, dated 23rd June, 1933.
Banga	No. 650, dated 15th October, 1910; No. 15431, dated 11th June, 1919; P.G. letter No. 18424, dated 9th October, 1917; No. 10817, dated 21st	
Batala	March, 1929. No. 471, dated 24th July, 1915.	No. 561, dated 31st August, 1906.
Beri	No. 31408, dated 29th October, 1930.	
Bhakkar		No. 18568, dated 8th July, 1933; No. 37609, dated 30th November, 1932.
Bhera	No. 20601, dated 28th June, 1930; P.G. Memo No. 3311, dated 4th February, 1919.	

1.—Octroi—contd.

Municipality.	Notification imposing the Tax.	Notification of bye- laws re octroi limits.
Bhiwani	No. 711, dated 18th September, 1909; No. 20165, dated 12th June, 1929; P.G. letter No. 431, dated 7th August, 1911.	No. 294, dated 7th May, 1890.
Buriya	No. 335, dated 19th April, 1909; No. 29561, dated 15th December, 1923.	No. 407, dated 13th June, 1890.
Chiniot	No. 17923, dated 25th June, 1923; No. 18733, dated 11th July, 1923; No. 14362, dated 16th April, 1929.	No. 448, dated 1st June, 1909; No. 7660, dated 14th March, 1922; No. 26037, dated 25th October, 1922; No. 14360, dated 16th April, 1929.
Chunian	No. 273, dated 29th March, 1909; No. 592, dated 19th July, 1909; No. 16760, dated 18th May, 1920; No. 12520, dated 9th April, 1930; No. 26084, dated 16th July, 1932; No. 18448, dated 5th July, 1933; No. 16806, dated 14th June, 1933; P.G. letter No. 361, dated 7th July, 1911.	No. 615, dated 23rd September, 1910.
Dajal  Dera Baba Nanak  Dera Ghazi Khan	No. 22913, dated 13th September, 1921. No. 362, dated 16th June, 1914. No. 32162, dated 22nd October, 1929.	No. 382, dated 21st July, 1898. No. 722, dated 4th December, 1914; No. 6373, dated 28th Feb- ruary, 1921.

### 1.—Octroi—contd.

Municipality.	Notification imposing the Tax.	Notification of bye- laws re octroi limits.
		 No. 27078, dated 2nd
Eminabad	September, 1921; P.G. letters No. 275, dated 30th May, 1911; No. 178, dated 19th April, 1912.  No. 346, dated 22nd April,	
Faridabad	1909. No. 284, dated 1st May, 1908.	April, 1933.
Ferozepore	No. 23615, dated 9th September, 1922; No. 18620, dated 10th July, 1923; No. 34511, dated 18th November, 1931; No. 13197, dated 3rd May, 1933.	No. 122, dated 20th February, 1909.
Firozpur-Jhirka	No. 32794; dated 22nd December, 1922; No. 15499, dated 9th June. 1924; No. 26822, dated 31st August, 1931.	
Gohana	No. 444, dated 12th July, 1916.	No. 764, dated 28th August, 1891.
Gujrat	No. 702, dated 30th October, 1906; P. G. letters No. 275, dated 30th May, 1911 and No. 178, dated 19th April, 1912.	

## 1—Octroi—contd.

Municipalit	y.	Notification imposing the Tax.	Notification of bye-laws re octroi limits.
Hansi	•••	No. 253, dated 27th April, 1910; No. 368, dated 9th June, 1910;	No. 14686, dated 30th May, 1919.
	Annual distriction of the state	No. 69, dated 3rd January, 1917; P. G. letters No. 431, dated 7th August, 1911 and	
		No. 580, dated 1st November, 1912; No. 8201, dated 4th March, 1929.	
Hazro	•••	No. 11974, dated 6th April, 1922; No. 19153, dated 17th July, 1923.	No. 159, dated 31st March, 1911.
Hodal	•••	No. 189, dated 12th March, 1913.	No. 5426, dated 11th February, 1929.
Hoshiarpur	•••	No. 28885, dated 29th August, 1932.	
Isa Khel	•••	No. 260, dated 24th April, 1908; No. 26398, dated 30th November, 1925.	No. 773, dated 29th November, 1910.
Jagadhri	•••	No. 579, dated 12th July, 1909; No. 7546, dated 3rd March, 1932; No.	No. 23797, dated 24th December, 1918.
		28375, dated 15th November, 1922.	
Jandiala	•••		No. 21387, dated 10th August, 1933.
Jalalpur Jat	tan	No. 676, dated 20th October 1906; No. 24427, dated 24th June, 1932; P. G. letters No. 275, dated 30th May, 1911; No. 178, dated 19th April, 1912; No. 382, dated 21st May, 1913; No. 17147, dated 25th September, 1918.	No. 15131, dated 2nd May, 1928.
Jampur	•••	No. 6947, dated 25th February, 1928.	No. 18363, dated 12tl August, 1919.

1.—Octroi—contd.

Municipality.	Notification imposing the Tax.	Notification of bye-laws re octroi limits.	
Jhajjar	No. 6344, dated 2nd	No. 764, dated 28th	
Jhang. Maghiana	March, 1922. No. 12588, dated 14th June, 1918; No. 24350, dated 20th August,	August, 1891. No. 5207, dated 13th February, 1912.	
	1928; No. 24351, dated 20th August, 1928; P. G. letters No. 427, dated 12th July, 1907; No. 188, dated 18th		
	April, 1911.		
Jhelum	No. 372, dated 20th July, 1912; No. 32033, dated 10th October, 1932; No. 37192, dated 15th December, 1928; No. 21216, dated 15th June,	No. 3544, dated 2nd February, 1924; No. 36582, dated 19th No- vember, 1932.	
Kaithal	1931. No. 12529, dated 21st April, 1926; P. G. letter No. 57, dated 10th October, 1911; No. 36819, dated 7th December, 1931; No.		
	23148, dated 6th June,		
Kalabagh	1932. No. 259, dated 24th April, 1908.		
Kamalia	No. 567, dated 9th Octo- ber, 1911; No. 17319, dated 7th May, 1929.	No. 29790, dated 12th October, 1926.	
Karor	No. 11958, dated 6th May, 1925; No. 14991, dated 2nd May, 1931.		
Kartarpur	No. 469, dated 24th June, 1913; No. 32034, dated 7th December, 1927.		
Khangarh	No. 5986, dated 26th February, 1924; No. 127, dated 4th January, 1933.	No. 4498, dated 26th February, 1918; No. 8369, dated 20th March, 1933.	

## 1.—Octroi—contd.

Municipality.	Notification imposing the Tax.	Notification of bye- laws re octroi limits.	
	Section and sectio		
Khushab	No. 615, dated 30th Octo-	No. 12488, dated 12th	
	ber, 1911; No. 6013,	May, 1925.	
	dated 25th February,		
	1921; No. 2286, dated 20th January, 1932		
Trumiah	No. 22891, dated Sth	No. 29666, dated 17th	
Kunjah	September, 1922.	December, 1923.	
Lahore	, Soptomsoi, 1832.	No. 14705, dated 30th	
<u> 1</u> Janos o		April, 1931.	
Leiah		No. 294, dated 25th	
	April, 1908.	June, 1903.	
Ludhiana	1	No. 30631, dated 21st	
	April, 1934.	September, 1932; No.	
		26711, dated 25th July,	
T 11		1932. No. 23224, dated 7th	
Lyallpur	•••••	June, 1932.	
Miani	No. 614, dated 30th	No. 690, dated 18th	
MITCHIE	October, 1911.	October, 1907; No. 200	
		dated 1st April, 1918.	
Mianwali	No. 262, dated 24th	No. 401, dated 13th July	
	April, 1908; No. 514,	1908.	
	dated 5th August,		
	1932.		
Mithankot	No. 4911, dated 12th February, 1931.		
Multan	37 800 3 1 1 001	No. 22, dated 24th Janu	
Multan	September, 1915; No.		
	691, dated 22nd Novem		
	ber, 1915; No. 53,	1915.	
	dated 21st January,		
	1916; No. 285½, dated		
	28th April, 1916; No.		
	19562, dated 5th Sep-		
	tember, 1919; No.		
	18814, dated 12th July, 1927; No. 4955, dated		
	10th February, 1928;		
	No. 33466, dated 19th		
	November, 1928.		

### 1—Octroi—contd.

Municipality.	Notification imposing the Tax.	Notification of bye- la ws re octroi limits.	
Muzaffargarh	No. 8988, dated 2nd April, 1919.	No. 824, dated 19th December, 1906.	
Nakodar	No. 32397, dated 4th November, 1930.	No. 107, dated 16th March, 1894.	
Nankana Sahib	No. 301, dated 25th April 1913; No. 17424, dated 22nd June, 1933.		
Narowal	1 17 0000001 1 1 7 0011		
Nurmahal	No. 25673, dated 3rd September, 1930.	No. 23475, dated 30th October, 19 '5.	
Nurpur	17 000000		
Pakpattan	No. 10806, dated 29th March, 1932.	No. 64, dated 10th February, 1911; No. 26242, dated 19th July, 1932.	
Palwal	No. 9081, dated 25th March, 1924; No. 37633, dated 30th November, 1932; No. 23t55, dated 7th August, 1930; P. G. letters No. 243, dated 24th April, 1910; No. 375, dated 20th May, 1913.	No. 401, dated 2nd August, 1898.	
Pasrur	No. 11326, dated 9th April, 1921; P. G. Memo. No. 2145, dated 24th January, 1925.	No. 734, dated 21st October, 1916.	
Patti	사계를 위하면 맛있다. 얼마나 얼마나면 그 이번 생각을 하는 것을 하지만 했다.	No. 21158, dated 10th May, 1932.	

1.—Octroi—contd.

Municipality.	Notification imposing the Tax.	Notification of bye- laws re octroi limits.	
Phillaur	No. 12923, dated 17th April, 1923; P. G. letter No. 629, dated 3rd November, 1911.	No. 200, dated 2nd May, 1894.	
Pind Dadan Khan	No. 20290, dated 2nd June, 1931; No. 35429, dated 24th November, 1931; No. 113, dated		
	18th March, 1912; No. 20594, dated 18th November, 1918; No. 8142, dated 14th March, 1921; P.G. let-		
	ters No. 550, dated 1st October, 1908; No. 673, dated 16th November, 1914; No. 13257, dated 27th April, 1921.		
Pindigheb	No. 2489, dated 28th January, 1925; No. 5271, dated 26th Feburary, 1925; No. 24835, dated 2nd Octo-	No. 653, dated 2nd December, 1912.	
Raekot	ber, 1933. No. 381, dated 23rd July, 1912.	No. 12451, dated 26th April, 1933.	
Rahon	No. 560, dated 7th January, 1924; Nos. 32816, and 32817, dated 13th December, 1927; P. G. letter No. 18424, dated 9th October, 1917.	No. 111, dated 16th March 1894.	
Rajanpur	No. 23033, dated 11th September, 1922.	No. 24012, dated 22nd July, 1931.	
Rawalpindi	No. 5519, dated 20th February, 1920; No. 20877, dated 20th August, 1923; No. 29244, dated 12th December, 1923;	No. 3, dated 2nd January 1889.	

#### 1-Octroi-contd.

		N	
Municipality.	Notification imposing the Tax.	Notification of bye-laws re octroi limits.	
Rawalpindi—			
contd	No. 20984, dated 25th		
<i>50,00</i> a,	June, 1929; No. 4128,		
	dated 5th February,		
	1930; P.G., letters No.		
	579, dated 29th October,		
	1912; No. 747, dated		
	15th December, 1915;		
	P. G. Memo. No. 11035-		
	L. S. G., dated 27th		
	April, 1925.		
Rohtak	No. 542, dated 14th Sep-	No. 31043, dated 8th De-	
	tember, 1914; No.	cember, 1922.	
	12743, dated 23rd	,	
	April, 1927; No. 25284,		
	dated 11th October,		
	1927; P. G. letter No.		
	766, dated 14th Decem-		
	ber, 1907; No. 21268,	t	
	dated 15th June, 1931;		
	No. 31713, dated 5th		
	December, 1927; No.		
	3288, dated 27th Janu-		
	ary, 1932; No. 1377,		
	dated 14th January, 193!.		
D		37 070 3	
Rupar	No. 641, dated 5th Octo-	No. 353, dated 12th June	
	ber, 1906; P. G. letter	1908.	
	No. 369, dated 19th		
	June, 1908; No. 26881,		
	dated 31st August, 1931.		
Sadhaura	No. 191, dated 28th March	No 96109 11 2 402	
	1907; No. 22523, dated		
	5th September, 1922;	July, 1932.	
	No. 24695, dated 6th		
	Norrombon 1004	[발표 항 교회 항 교육 교육 회교회자]	
ATPRE.	November, 1924; No.		
	26113, dated 8th Sep-		
0.1:	tember, 1930.		
Sahiwal	No. 22949, dated 4th	No. 4738, dated 15th	
	August, 1928.	February, 1926.	

## $1. - {\tt Octroi} - concluded.$

Municipality.	Notification imposing the Tax.	Notification of bye-laws re octroi limits.	
Sargodha	No 28171, dated 17th	***	
Shahabad	August, 1932.  No. 328, dated 1st June, 1907; P. G. letter No. 57, dated 10th October, 1911.	No. 21130, dated 11th May, 1932.	
Sharakpur	No. 839, dated 16th June, 1875; No. 24675, dated 13th October, 1921.	No. 326, dated 28th July, 1893.	
Shujabad	No. 20055, dated 31st December, 1920.	No. 417, dated 14th June, 1890.	
Sialkot	No. 24189, dated 24th July, 1931; No. 10601, dated 4th April, 1927; No. 16749, dated 3rd	No. 1431, dated 22nd January, 1917.	
Simla	May, 1929. No. 22419, dated 22nd October, 1925; No. 21595, dated 19th	No. 120, dated 20th March, 1893.	
Sonepat	June, 1931.  No. 1043, dated 9th January, 1932; P. G. letters No. 217, dated 22nd March, 1915; No. 509, dated 4th Septem- ber, 1915; No. 24283,	No. 29855, dated 19th December, 1923.	
Thanesar	dated 21st June, 1932.  No. 8668, dated 14th  March, 1934; P. G.  letter No. 57, dated  10th October, 1911.	No. 407, dated 13th June, 1890.	
Urmar-Tanda	No. 261, dated 17th April, 1915.	No. 969, dated 1st December, 1890.	
Wazirabad	No. 20119, dated 26th August, 1924.	No. 143, dated 27th February, 1891.	
Zira	4524, dated 18th February, 1925.	No. 479, dated 1st July, 1890,	

2,-Water-tax.

Municipality.	Rate of Tax.	Description of Tax.	Notification.
Abohar	411 per cent. per annum.	occupied buildings, houses and shops, religious and public buildings and other buildings, annual value of which	No. 29871, dated 6th October, 1931.
Dalhousie	4 per cent. per annum.	is less Rs. 6/- On all houses and buildings in the station ward.	No. 73?, dated 21st December,
			1911; No, 24286, dated 2nd November,
			1920; No. 2105, dated 21st Janu- ary, 1930;
			No. 30913, dated 25th October, 1930.
Dharmsala	3 do	On all buildings of which the annual value is not less than Rs. 25 connect- ed with the main or so situated that their occu- piers can benefit by the water-works.	dated 26th A pril, 1915; No. 146, dated 1st March, 1916; No. 9162, dated
Kasumpti	2½ do	On the annual value of all houses and buildings.	15th March, 1932. No. 24357, dated 20th August, 1928; No. 25427, dated 4th September,
Khushab		On building or land of an annual value of not less than—	

## X.—Under section 61 (2).

### 2.—Water-tax—continued.

Municipality.	Rate of Tax.	Description of Tax.	Notification.
Muktsar	per annum (1) Re. 1 do. (2) Rs. 2 do. (3) Rs. 3 do. (4) Rs. 5 do. (5) Rs. 7 do. (6) Rs. 10 do. (7) Rs. 25 do. Rs. 4-11-0 per cent.	(1) Rs. 12 (2) Rs. 25. (3) Rs. 30. (4) Rs. 50. (5) Rs. 70. (6) Rs. 100. (7) Rs. 250. On the annual value of all occupied houses and shops, subject to certain exceptions.	No. 6013, dated 25th February, 1921; No. 19089, dated 19th June, 1828. No. 24416 dated 24th September, 1927; No. 895, dated 8th January, 1929.
Multan	4 per cent. per annum.	On the annual value of all buildings and land situated in the area inside the city wall or outside the city wall if within a radius of five hundred from any public water main, except mosques, temples, churches, shrines or dharmsalas.	No. 29312, dated 16th November, 1927.
Murree	3½ per cent. per annum.	On all houses and lands situate not more than 1,500 feet from the nearest hydrant.	No. 142 dated 24tl February, 1913; No 824, dated 22nd No vember, 1916; No 21460, dated 22nd August, 1921; No 34256,
			dated 16th November, 1931; No. 31416 dated 30th

### X.—Under Section 61 (2).

2.—WATER-TAX—concld.

		Description of Tax.	Notifications.
Sargodha	$1_{1}^{g}$ per cent.	On all buildings	September, 1932; No 19991, dated 30th April, 1932. No. 102,
	per annum	0.	dated 5th February, 1913.
	<ul><li>2 per cent.</li><li>per annum.</li><li>5 per cent.</li><li>per annum.</li></ul>	On all the annual value of all houses and buildings above the water line at a distance of more than 100 yards by the nearest practicable route from a stand pipe or below the water line at a distance of more than 220 yards by the nearest feasible route from a stand pipe. On the annual value of all other houses and build-	No. 27485, dated 8th

### XI.—Under section 61 (2) and (3).\*

3.—TERMINAL TAX.

Municipality.	Notifications.
Abohar†	No. 24236, dated 20th September, 1933; No. 18842,
Ambala City	dated 12th July, 1927.  No. 20914, dated 10th September, 1924; No. 23776, dated 14th June, 1932; No. 3996, dated 8th February, 1927; No. 16047, dated 31st May, 1927.

<sup>\*</sup> The tax was imposed in this town with the sanction of the Governor-General under section 61 (A) of the Act before amendment or section 61 (3) of the Amended Act.

<sup>†</sup>The tax was imposed when this town was a notified area but remains in force by virtue of section 4 (7a) of the Act.

## XI.—Under section 61 (2) and (3).\*

3.— $T_{\text{ERMINAL}}$   $T_{\text{AX}}$ —contd.

Municipality.	Notifications.
Amritsar	No. 21180, dated 23rd August, 1920; No. 20230, dated 2nd August, 1921; No. 15854, dated 22nd May, 1923; No. 16966, dated 14th June, 1927; No. 30988, dated 30th November, 1927; No. 9003, dated 11th March, 1929; No. 511, dated 8th January, 1930; No. 14673, dated 25th April, 1930; No. 6270, dated 24th February, 1931; No. 12348, dated 14th April, 1934.
Batala	No. 37044, dated 19th November, 1929; No. 5582, dated 13th February, 1930.
D. G. Khan Dinanagar	No. 36130, dated 16th November, 1932. No. 11415, dated 9th April, 1933; No. 25285, dated 18th November, 1925; No. 6421, dated 1st March, 1927; No. 17899, dated 27th June, 1927; No. 30978,
Dinga	dated 31st October, 1928.  No. 35509, dated 25th November, 1931; No. 25510, dated 25th November, 1931; No. 654, dated 5th January, 1934.
Fazilka*	No. 19011, dated 18th June, 1926; No. 18840, dated 12th July, 1927; No. 9072, dated 14th March, 1928; No. 31215, dated 28th September, 1932; No. 4114, dated 11th February, 1933.
Gojra*	No. 21988, dated 11th September, 1923; No. 33101, dated 28th October, 1929; P. G. Memo. No. 3377, dated 5th February, 1925; No. 21396, dated 16th June, 1931; No. 7725, dated 7th March, 1934.
Gujranwala	No. 17958, dated 29th June, 1921; No. 14230, dated 16th May, 1924; No. 12170, dated 19th April, 1927; No. 29888, dated 22nd October, 1930.
Gurdaspur Hissar Hoshiarpur	No. 26768, dated 19th September, 1928.  No. 24242, dated 27th July, 1931.  No. 17756, dated 7th June, 1920; No. 17778, dated 4th May, 1922; No. 20109, dated 1st August, 1927.
Jagadhri Jagraon	No. 7697, dated 7th March, 1934.  No. 20308, dated 2nd August, 1920; No. 20112, dated 1st August, 1927; No. 22420, dated 29th August, 1927; No. 27613, dated 2nd November, 1927; No. 26086, dated 16th July, 1932.

<sup>\*</sup>The tax was imposed in this town with the sanction of the Governor-General under section 61 (A) of the Act before amendment or section 61 (3) of the Ameuded Act.

### V.-Under section 61 (2) and (3).\*

3.—TERMINAL TAX—contd.

Municipality.	Notifications.
Jandiala†	No. 10689, dated 5th April, 1927; No. 20595, dated 28th June, 1930; No. 20597, dated 28th June, 1930.
Jhelum	No. 31880, dated 7th December, 1933.
Jullundur	No 36147, dated 16th November, 1932; No. 12460,
	dated 16th April, 1934; No. 4480, dated 7th February, 1928; No. 16975, dated 22nd May, 1928; Nos. 2107
	and 2108, dated 21st January, 1930; Nos 10975
	and 10977, dated 28th February, 1930; No. 13937,
ta Protesta de la companya de la co Digina de la companya	dated 21st April, 1930; No. 1289, dated 14th January,
	1933; No. 8666, dated 14th March, 1934; No. 36150,
7.7	dated 16th November, 1932.
Karnal	No. 24875, dated 2nd October, 1933.
	Note.—Bye-laws re terminal tax limits were published in Notn. No. 24066, dated 24th July, 1929).
Kasur	No. 32511, dated 10th December, 1327; No. 33340, dated
	22nd October, 1932; No. 23320, dated 8th September,
	1933.
Khem Karan	No. 13973, dated 4th May, 1926; No. 16470, dated 6th June 1927.
	Note.—Bye-laws $re$ tax limits were published in
	Note. No. 5413, dated 11th February, 1929.
Lahore	No. 33833, dated 16th November, 1926; No. 1640, dated
	19th January, 1927; No. 4877, dated 15th February,
	1927; No. 10637, dated 4th April, 1927; No. 5371,
	dated 14th February, 1928; No. 5393, dated 14th
	February, 1928; No. 36383, dated 10th December, 1928; No. 511, dated 8th January, 1930; No. 15357,
	dated 29th April, 1930; No. 29370, dated 3rd Septem-
	ber, 1932.
Ludhiana	No. 26463, dated 21st July, 1932; No. 10798, dated
	29th March, 1923; No. 20111, dated 1st August, 1927;
	P. G. Memo. No. 4342, (L. S. GComts.), dated 16th February, 1925; No. 8817, dated 15th March, 1934;
	No. 31549, dated 5th December, 1933.
Lyallpur	No. 27227, dated 6th November, 1922; No. 22020,
	dated 19th October, 1925; No. 5822, dated 17th
	February, 1928.
어린 사람들이 많아 많은 사람들이 다	ക്ഷ്യുള്ള അവസ് ഉള്ള പ്രകാരം ആവിക്കുന്നത്. അവിവിധാക്ക് പ്രതിരുത്തിലും അവരം വിവരം വിവര് നിരുത്തിലും വിവര് തിരുത്

<sup>\*</sup>The tax was imposed in this town with the sanction of the Governor-General under section 61 (a) of the Act before amendment, or section 61 (3) of the Amended Act † The tax was imposed when this town was a notified area but remains in force by virtue of section 4 (7a) of the Act.

# XI.—Under section 61 (2) and (3).\* 3.—Terminal Tax—concld.

Municipality.	Notifications.		
Moga	No. 26526, dated 21st August, 1929; No. 26980, dated 25th October, 1933; No. 2024, dated 6th April, 1932; No. 18065, dated 1st July, 1933.		
Montgomery	No. 3635, dated 4th February 1924; No. 21830, dated 29th September, 1924; No. 23675, dated 3rd November, 1925; No. 1029, dated 12th January, 1933.		
Muktsar*	No. 34053, dated 19th November, 1930; No. 18838, dated 12th July, 1927; No. 349, dated 6th January,		
	1933; No. 37915 dated 15th December, 1931; No. 37916, dated 15th December, 1931; No. 30822, dated 22nd September, 1932; No. 30823, dated 22nd Septem-		
Multan	ber, 1932. No. 15811, datal 2nd May, 1930.		
	Note.—Bye-laws re tax limits were published in Notn. No. 35398, dated 9th November, 1932; No. 31024, dated 29th November, 1933; No. 5921, dated 27th February, 1933.		
Nankana S Panipat			
Pathankot	No. 18943, dated 6th August, 1924; No. 23606, dated 28th October, 1924; No. 33820 and No. 33821, dated		
	16th November, 1926; No. 6411, dated 1st March, 1933; No. 20063, dated 30th July, 1927; No. 15741, dated 7th May, 1928; No. 26066, dated 11th September, 1928; No. 21391, dated 16th June, 1931; P. G. Memo. No.		
	16838 (L. S. G.), dated 17th July, 1925.		
Patti†	No. 7680, dated 14th March, 1922; No. 23513, dated 14th September, 1927; No. 4480, dated 6th February, 1932; No. 36179, dated 1st December, 1931.		
Rewari	No. 30746, dated 6th December, 1922; No. 836, dated 8th January, 1926; No. 26475, dated 11st September, 1930.		
	Note.—Bye-laws re terminal tax limits were published		
Sargodha*	in Notn. No. 3811, dated 5th February, 1927. No. 30101, dated 2nd December, 1921; No. 22357,		
Sheikhupura	dated 1st July, 1931.  No. 20357, dated 4th May, 1932; No 5228, dated 15th  February, 1934; No 5229, dated 15th February, 1934.		
Sirsa	No. 14010, dated 4th May, 1926.  (Note.—Bye-laws re terminal tax limits were published in Notn. No. 32166, dated 22nd October, 1929)		

<sup>\*</sup>The tax was imposed in this town with the sanction of the Governor-General under section 61 (A) of the Act before amendment or section 61 (B) of the Amended Act †The tax was imposed when this town was a notified area but remains in force by virtue of section 4 (7) of the Act.

## MUNICIPAL LAW AND PRACTICE

## XIII.—Under section 61 (3).

4.—Other Taxes.

Municipality.	Rate of Tax	Description of Tax.	Notifications.
Dalhousie	wheel  Re 1-8 per	On all vehicles except perambulators and rickshaws permitted to pass beyond "Club Corner", except mail-cars and the motor cars of the Commissioner, Lahore division and the G. O. C., Lahore district.  On all persons keeping	No. 1098, dated 14th January, 1918; No. 19263, dated 18th July, 1927; No. 26793, dated 29th August, 1931. No. 19887,
	mensem per animal.  -As. 4 per mensem per animal.	horses, ponies, mules or donkeys.  On all persons keeping sheep or goats.	dated 8th September, 1925.

### APPENDIX K.

#### OCTROI AND TERMINAL TAXATION.

P.G. letter No. 21017 (L. S-G.- Comts.), dated the 9th August, 1927.

To-The Secretary to the Government of India, Department of Education, Health and Lands.

I am directed by the Punjab Government (Ministry of Local Self-Government) to address the Government of India on the subject of octroi and terminal taxation in general and with particular reference to the introduction of terminal taxation in "small towns" constituted under the Punjab Small Towns Act, 1921. The subject of octroi and terminal taxation and of possible substitutes therefore has been dealt with by the Indian Taxation Enquiry Committee in paragraphs 397 to 410 of their report. In paragraph 398 these forms of taxation are condemned unreservedly as offending against all the canons of taxation, but the grounds on which this condemnation is based are a priori grounds based on theory, and in the very brief survey of the history of these taxes contained in paragraph 399 no attempt has been made to ascertain why "the history of octroi and terminal tax is one of many expressions of pious opinion accompanied by little in the way of practical action." Had a careful examination of that history been made it is doubtful whether the Committee would have described it in these terms or would so unreservedly have condemned these taxes, and such is the importance of the matter that no apology is needed for the somewhat detailed examination of the history of the taxes in this province which is contained in the following paragraphs.

2. Shortly after annexation in order to pay for the bodies of watchmen which were organized in all the cities and towns of the province, a house tax assessed according to the circumstances of owners or occupiers was imposed. The assessment was entrusted to the most influential and respectable of the inhabitants, while collections were made monthly by salaried establishments. Very soon, however, this tax created the greatest discontent; it was assessed unfairly and collected with the greatest difficulty and hardship, while the amount collected fell far short of requirements. Accordingly it was not long before in most towns the old system of dharat which had been in force in Sikh times was reverted to. This tax was popular for many reasons: it was indirect and incorporated in the current prices of commodities: it was sanctioned by ancient custom and was collected by a method provided by the mercantile customs of the country and understood by every one: it fell partially on non-residents, traders and agriculturists, lightly on the most influential class of citizens, heavily on none. Whatever advantages, however, could be claimed for these town

duties, by 1864 the Government of India had become very restless at the resurrection of what appeared to be the transit duties to which the orthodox economist so strongly objected, and in September of that year they published a Resolution\* in the course of which they said that "the unchecked multiplication of these local exactions would soon produce the worst evils of the old transit and town duties ......the tax ought to be confined to a few articles of local consumption, such as ghee, firewood, fruit, vegetables, fowls, eggs and animals for slaughter, which do not enter into the general trade of the country and which, being recognizable at first sight do not involve the stoppage and search of other commodities." Little attention appears to have been paid to these remarks, and in November 1868 the Government of India issued another Resolution; which ended with the prescription of a number of strict rules limiting the articles on which town duties might be imposed and requiring refunds to be paid on the exportation of dutiable goods and the provision of bonded warehouses for goods in At the same time the Government of India admitted that the fact that "such ducies are commonly far more popular in India than any direct taxation is a strong argument in their favour, and the prejudice against them founded on the common practice of England should not be allowed to prevent their introduction under suitable limitations, where there is reason to think that general feeling would be to prefer them to other forms of taxation." The Government of India also recognized that if municipal taxation were regulated in the manner which they desired, there might in some cases be considerable decrease of municipal revenues and in consequence difficulty in meeting the necessary charges on account of Police establishments; they, therefore, promised to consider well-founded claims for assistance from Imperial revenues. What, however, those claims were made, the Government of India found it inconvenient to meet them. I They were in fact themselves in such financial straits that they found it necessary to exercise constant pressure on local bodies to relieve Imperial revenues to a still greater extent from Police charges, and in order to prevent a large number of committees from going bankrupt, they gave permission in 1871, for piece-goods, textile febrics, etc., and articles of metal, whether liable to customs duty or not, to be added to the list of articles on which octroi might be imposed.

3. About this time the North-Western Provinces invented what became known as "the compromise system" or "the reduced rates system" and this was copied in the Punjab from, at any rate, 1874; for in a circular in connection with the coming into force of the Punjab Municipal Act, 1873, it was laid down that instead of the bonded warehouse and refund system municipal committees might

<sup>\*</sup>Referred to in Proceedings of the Government of India, Home Department (Public), Nos. 4440 to 4147, dated 6th November, 1868.

<sup>†</sup> Vide proceedings noted above.

1 Vide paragraph 5 of Government of India, Home Department letter No 2 - 100 dated 28th September, 1877.

\$ Vide Government of India, Home Department, letter No. 88, dated 6th January, 1871.

with special sanction make an estimate of the amount of dutiable goods consumed annually in the town and the annual amount of duty realizable therefrom at fair and reasonable rates and then impose on every dutiable article imported, whether consumed in the town or not, a rate of duty sufficient to yield in the aggregate an amount equal to the duty estimated to be fairly realizable on articles actually consumed. As this was to get rid of bonded warehouses and refunds it was nothing more or less than terminal tax, and it came in for very unfavourable notice in a long letter addressed to the Punjab Government by the Government of India in September, 1887,\* in which also appeared for the first time a reference to a Government standard of consumption. This was a device for estimating how far only consumption within municipal limits was being taxed or how far through trade was also being taxed. A Government standard of consumption per head of population having been fixed in respect of each article liable to octroi, the total consumption of a place could be worked out by multiplying the standard consumption by the number of the population. Then by applying to the total consumption the octroi rate per maund, the amount that ought to be realized from the net collections of octroi in respect of each article after deducting refunds could be calculated and compared with the actual net collection; if the actual collections were much higher, it would be clear that through trade as well as local consumption was being taxed.

This method of determining whether octroi was operating as a tax on through-trade seems to have appealed very strongly to the Government of India, and in December 1879,† they circulated for opinion a draft Bill which, besides embodying the rules which they had formulated in 1868, provided for the submission of elaborate returns by municipal committees with regard to the consumption of articles liable to octroi, and required the Local Government to order the levy of octroi to cease in any case where the returns showed that it was being levied on articles not consumed within municipal limits. The Bill also provided that no town-duty should be levied in any municipality with a population of less than 5,000. The Punjab Government, in letter No. 693, dated the 17th February, 1880, attack-They pointed out that the Government ed the Bill very strongly. of India themselves had admitted that if the duties were kept at a moderate rate there was no reason why English prejudice should be allowed to prevent the introduction of a form of taxation which was much more popular than any form of direct taxation. Moreover, as the Bill itself admitted the principle that payment might fairly be demanded in return for services rendered, as it permitted the levy of tolls for roads and similar works and of fees for the use of bonded ware-houses, there appeared to be no reason why persons engaged in through trade should not by means of light import duties pay their

<sup>\*</sup>Vide Government of India, Home Department, letter No. 2—100, dated 28th September, 1877.

† Government of India, Legislative Department, letter No. 1259, dated 6th December, 1879.

share for the general amenities and conveniences provided from municipal revenues. Octroi should in fact be regarded as a toll for services rendered, payable by, and to be expended for the advantage of, passing traders residents of the town itself and of villages of the neighbourhood. If the Bill were passed as it stood, about half the municipalities in the province would have to be abolished. lt might indeed be better to abolish municipalities altogether in petty towns than that trade should be checked by local taxation, but the Punjab Government was not prepared to admit that octroi, even as worked up to that time, had been found to be any check on trade in the Punjab. There might be instances in which the tax had been paid by others than local consumers but its incidence was so light that its effect as retarding processes of trade must be altogether inappreciable. Municipal institutions, even on the petty scale in which they appeared in the smaller towns of the Punjab, directly furthered trade by improving communications and promoting security, and if they disappeared for want of funds, trade would suffer. Moreover, the existence even of small municipalities had many social and political advantages.

The protests of the Punjab Government and doubtless of other Governments appear to have been effective, and the Bill was not proceeded with, but there was no change of policy in the Government of India, and in November 1880 they issued another long Resolution\* in which they showed that in many places in the Punjab and elsewhere through trade was being taxed in defiance of all their rules and instructions. This was repeated in the following year when also it was pointed out that out of 198 municipalities in the Punjab there was no less than 82 with a population of less than 5,000 in which octroi was the chief or only form of municipal taxation, and it was suggested that at such outlying places the administration of octroi must necessarily in the absence of sufficient supervision tend to become lax and to hamper trade, while such funds as might be required could probably be The Punjab raised without difficulty by some other form of taxation. Government thereupon called for reports from local officers and in due course reports were received, and eventually a long Resolution was issued by the Punjab Government in 1883.‡ By this time, however, the Local Government had a new head, and there was apparently some change of policy. The Punjab District Boards Act, 1883, had just been passed and Sir Charles Aitchison, while admitting that the reasons for which the Punjab Government had opposed the abolition of petty municipalities in 1880 had much force, considered that since under the Local Self-Government scheme then about tobe in troduced a network of Rural Boards would furnish many of the advantages anticipated from the minor municipalities, the time had come to consider

<sup>\*</sup>Government of India, Home, Revenue and Agricultural Department (Municipalities) Resolution No. 2—104—115, dated 4th November 1880.
†Government of India, Home, Revenue and Agricultural Department, letter No. 82, dated 16th May, 1881.

<sup>1</sup> Punjab Government Resolution No. 235, dated 11th August, 1883, a copy of which was forwarded to the Government of India, with Punjab Government letter No. 236—2351, dated 11th August, 1883.

whether some of the smaller corporations could not be abolished and merged in the Local Boards. Commissioners were, therefore, instructed to report which small municipalities should be abolished. At the same time it is curious to find that in this Resolution the "reduced rates of duty" system with no bonded warehouses and no refunds received fresh sanction from the Punjab Government; this system was not to be permitted in towns which were centres of considerable trade or were situated on main trade routes, but might be adopted in all other places.

- 6. It was not until November, 1885 that the Punjab Government found time to deal with all the reports received in consequence of the Resolution of 1883, and another long Resolution\* was then issued. Thirty-eight municipalities were under this Resolution to be abolished as soon as their affairs could be wound up, and the remaining municipalities were put into two classes in the first of which the whole machinery of bonded ware-houses and refund was to be maintained, while in the second the reduced rates system was to be introduced. The measures taken by the Punjab Government received the approval of the Government of India in 1886,† though this approval was somewhat grudgingly bestowed on the reduced rates system, and during the next year or two no less than 41 municipalities were abolished. In the Pujab Government Resolution of 1885 it had been explained that when a municipality was abolished it would at once become subject to the jurisdiction of the Local Board appointed for the portion of the district in which it was situated: the system of Local Self-Government would thus be retained in the town and only the agency for carrying it out would be changed: the objection that Local Boards being rural bodies could not be expected to manage the affairs of town-folk satisfactorily could have no weight when it was realized that these so-called towns were merely large villages differing in no material respect from other villages already under the jurisdiction of the Boards, and that in the majority of cases the municipal system had been extended to these places not because their circumstances demanded a form of local autonomy different from that by which the surrounding villages were represented, but merely because a certain amount of octroi income could be raised in them.
- 7. The administration of octroi in the municipalities that were left does not appear to have been satisfactory in the next two or three years, and in March 1889 the Punjab Government issued another Resolution; explaining the advantages of direct taxation as imposed in municipalities in other provinces. The Resolution ended with something

<sup>\*</sup>Punjab Government Resolution No. 409½, dated 11th November, 1885, a copy of which was forwarded to the Government of India with Punjab Government letter No. 526, dated 22nd December, 1885.

†Government of India, Home Department, letter No. 15, dated 15th February,

<sup>1886. ‡</sup>Punjab Government Resolution No. 178, dated 18th March, 1889, a copy of which was forwarded to the Government of India with Punjab Government letter No. 179, dated 18th March, 1889.

in the nature of a threat. "It is not the fault of Government if the Municipal Bodies of the province have failed to understand that abuse of the octroi system in the Punjab will no longer be allowed, and that effective measures will after due notice be taken to stop all abuse once and for all.......Municipalities in which octroi taxation is in need of reform will do well to set about the necessary reforms at once. ..........The success of the introduction of such forms (i.e., forms of direct taxation) elsewhere in India proves the groundlessness of the popular objections alleged to exist against all forms of direct Municipal taxation; and the whole commercial history of the modern world tends to show that trade prospers and develops exactly in proportion as it is free from taxation and duties imposed directly upon it." In the following year the question of abolishing more small municipalities was taken up, and in March 1891 eight more ceased to exist. year, however, the Punjab Municipal Act, 1891, was enacted, and in July, 1892 the Punjab Government circularized local officers on the advantages of applying the provisions of that Act with regard to Notified Areas to as many towns as possible. It was intimated that Government would be prepared to consider proposals for direct or for indirect taxation as might in each case be considered suitable, and octroi was specifically mentioned as a possibility. It is clear that the idea that Local Boards would look after small towns had proved fallacious, and during the next eight years about 45 notified areas were constituted, and in a considerable number of these octroi was permitted to be imposed.

8. Meanwhile the Government of India do not appear to have made any pronouncement on the subject till the re-imposition of seacustoms duties in 1894 again roused their apprehensions as to the effect of local octroi taxation on Imperial revenues They therefore instituted enquiries which resulted in the issue of a Resolution in 1899.\* This Resolution re-affirmed most of their previous orders in so far as those orders were designed to prevent octroi from operating as a transit duty, but permitted the levy of octroi on articles liable to customs duty subject to certain maximum rates. The Resolution was, however, chiefly notable for its endorsement of the advice given by Sir Charles Crosthwaite, K. C. S. I., who is described as one of the most experienced administrators of his time in India:—

"In imposing taxation in this country it is more necessary to consider the prejudices of the people than the strict theories of taxation. I have no hesitation in saying that it would be impossible to raise in Northern India or in the Central Provinces by direct taxation any thing like the sum raised by octroi, and the attempt to substitute direct taxation in the large towns and cities there for octroi would lead to much and serious trouble. The discontent would be out of all proportion to any advantage that would result. The measure would have to be imposed in spite of the munici-

<sup>\*</sup>Government of India, Home Department (Municipalities). Resolution No. 55-60, dated 24th April, 1899.

pal committee by an order of Government. Neither do I think that the Government of India can with a good grace force such a measure upon the local bodies unless it is prepared to help them with money grants—a measure which, if it was financially possible, would be inadvisable in my opinion."

- 9. In 1905 the present Municipal Account Code with its elaborate rules for the assessment and collection of octroi was drawn up by the Examiner of Local Fund Accounts and was recommended to committees for adoption as bye-laws, with the idea that it would cure the evils attendant on octroi administration. The Punjab Government was, however, not content with this, and in 1907 mooted the abolition of 45 more municipalities, the larger of which it was thought might be more efficiently managed as notified areas, while the smaller might be treated simply as large villages and dealt with under the District Boards Act. At the same time it was intimated that Government was unable to approve of the retention of octroi as a suitable form of taxation for notified areas; it involved large expenditure on collection; it could not with due regard to the finances of the local body be adequately supervised, and it tended in consequence to interfere unduly with local trade. These orders elicited notable replies from Messrs. (as they then were) Maynard and Fenton. The former objected to the orders as involving the substitution of appointed for elected bodies in the places affected and because the services maintained in these towns could not be paid for by direct taxes unless such taxes were levied at such high rates that their collection would be attended with great friction and difficulty. Sir Micheal Fenton's letter was much fuller and is a most important contribution to the subject, though it received but scant consideration from Government. He reviewed the history of the matter at some length, pointed out that local boards had been failures and had been got rid of everywhere, and that the abolition of the smaller municipalities would mean the exclusion of the prominent citizens of these towns from participation in the social, political and administrative activities connoted by the term Local Self-Government: it was presumably not the intention of Government that the change in the form of administration from a municipal to a non-municipal status should deprive towns of any advantages should as lighting, police, conservancy, etc., which they were already enjoying or should relieve them of their obligations to contribute to schools, dispensaries, vaccination, plague measures, etc., to which taxes had been applied in the past, and it would be inequitable to throw the burden of these charges on district boards. House taxes could not produce anything like the same amount as octroi even if they could be imposed, and in support of the contention that they could not be imposed, Sir Michael Fenton quoted Mr. Temple and Sir Charles Crosthwaite. These protests were, however, made in vain and orders were issued for about 30 more municipalities to be abolished altogether or converted into notified areas.
  - 10. In 1911 when the present Municipal Act was on the anvil Sir Louis Dane again took up the question of abolishing municipalities

and notified areas, with the result that during the next two years 17 notified areas were abolished and four municipalities were converted into notified areas. This was the last effort in sweeping away Local Government institutions and the reaction soon set in. In November 1914 the Punjab Government was asking for opinions as to whether legislation should be undertaken to authorize the imposition of haisiyat or other simple taxes in small town or agricultural villages or both, whether small towns should be dealt with under a special enactment as in the United Provinces and whether agricultural villages too should have a separate enactment, etc. Many diverse opinions were received during the next two years but eventually in 1916 a Bill was drafted which subsequently became the Punjab Small Towns Act, 1921, and it was circulated for opinion as containing the tentative conclusions of the Punjab Government as to the way in which small towns should be regulated. The Bill came into force in 1923 and about 108 small towns have been constituted under it of which about 90 were previously at one time or another in their careers municipalities or notified areas. About fifteen of them inherited octroi or terminal tax from their notified area predecessors; in most of the rest there are house-taxes or haisiyat taxes of one form or another, but the latest reports have shown that the old antipathy to direct taxation is as strong as ever: it is in fact stronger, as now taxation has to be imposed by elected committees and members have to think of re-election, an anxiety which did not affect members of notified area committees. In 1925-26 no taxes at all had been imposed in a number of small towns while in others direct taxes were collected to the extent of Rs. 1 lakh in all and were in arrears to the extent of Rs. 12 lakhs Even if they were collected in full the income obtained would not be nearly sufficient to enable committees to bear their share of financing. all the sanitary improvements which are required.

11. Reference has been made in paragraphs 3, 5 and 6 above to the "reduced rates system" which was in effect nothing else but terminal tax, and it was observed that in 1886 this system received the grudging approval of the Government of India. With the introduction of the new Municipal Account Code in 1905 this system was finally dropped in the Punjab, but in 1915 in a Resolution\* issued on "The Local Self-Government Policy of the Government of India" the Government of India conceded that a light terminal tax with no refunds might in practice prove less burdensome to through trade than the octroi system as up till then administered, provided that the following conditions were observed, viz., (1) that the terminal tax, wherever imposed, should be substantially lower in its rates than the octroi which it replaced, (2) that it should be limited to places where there were special grounds for applying it, which must be adequately demonstrated, (3) that it should be regarded as facilitating the transition to a system in which direct taxation would form an increasingly

<sup>\*</sup>Government of India, Department of Education - Municipalities, Resolution No. 55-77, dated 28th April, 1915.

important factor, and not as an elastic means of progressively increasing the resources of municipalities apart from normal development due to increase of traffic, and (4) that it should not be adjusted with the primary object of compensating municipalities for the loss of octroi.

- 12. In the course of the negotiations with the railway companies which the Government of India subsequently undertook, all Local Governments were consulted on various aspects of the question of terminal taxation in relation to railway companies, and in the course of this correspondence the Government of India laid down the further condition that the terminal tax should effect a much smaller number of commodities than were included in the existing octroi schedules. In replying, therefore, to the Government of India; the Punjab Government made the following comments upon the conditions on which the Government of India had expressed their willingness to accept terminal taxation (Punjab Government letter No. 323-B. and C./Comts, dated the 9th May, 1916):—
- It would seem to follow from these conditions that the Government of India would only accept a terminal tax which, being imposed on fewer commodities and at lower rates than the existing octroi, must involve a considerable loss of income to the municipality which adopts it—a loss which would compel it to resort to direct taxation if it is to maintain the level of its previous expenditure. That this result was anticipated and even desired in the case of the municipalities of the United Provinces is apparent from paragraph 110 of the Report of the Municipal Taxation Committee, United Provinces, 1908-09. The evils involved in the existing octroi taxation with its refund system and opportunities of corruption and peculation were considered so serious that a general abolition of the system was advocated and the terminal tax was only one of several methods by which the consequent loss of income was to be made good. It does not, however, appear that the Government of India, while recognising the heavy burden imposed on trade by existing octroi taxation are desirous of ordering the general abolition of octroi, and in these circumstances it seems improbable that any municipality in the Punjab would voluntarily deprive itself of this source of income if the alternative method of taxing imports by a terminal tax is only permissible on conditions which necessarily involve resort to direct taxation on a considerably more extensive scale than at present.
- 4. In support of the view that the Government of India do not intend that the condition stated above should have universal application irrespective of local conditions, I am to point out that they have recently sanctioned the imposition in the Muktsar and Fazilka municipalities of terminal taxes on all commodities imported into these places including certain articles on which under existing orders even octoric could not have been imposed. His Honour is, therefore, encouraged to believe that it is not an essential condition of the Government of India's acceptance of a terminal tax that it should be imposed

on a much smaller number of commodities than those contained in existing octroi schedules. A true terminal tax in fact should, he considers, be imposed if not on all articles imported, at least on all articles of general use or consumption, so as to ensure that all classes of the community shall contribute their share towards the cost of municipal administration. That this was the view of the United Provinces Muncipal Taxation Committee is apparent from paragraph 54 of their report, where they remark 'the safety of the system lies in the universality of the tax.' There are, however, certain commodities on which for various reasons the levy of octroi has been forbidden, for example, excisable articles and articles which have been exempted from customs duties, and His Honour considers that such commodities should remain exempted from terminal taxation for the same reasons for which they have been exempted from octroi. Subject, however, to this exception a terminal tax should ordinarily be imposed on all commodities alike which are in general use or consumption: provided that the proceeds are not so insignificant as not to warrant the trouble of collection, and any restriction, which is to be imposed on municipalities, should be rather in the direction of prescribing maximum rates for the terminal tax as has been done in the case of octroi.

- During the last three years 20 per cent. of the gross income from octroi has on an average been refunded in the municipalities in this province, and in many individual cases this average has been very largely exceeded. The cost of collection is also high, and His Honour therefore considers that no obstacle should be put in the way of committees which are willing to rid trade of this incubus. It must, however, be recognised that in the Punjab at any rate there is a very strong and almost universal objection to any increase of direct taxation, and any attempt to force direct taxation on municipalities would not only arouse strong opposition, but would also be contrary to the policy of Government to extend the scope of Local Self-Government. In sanctioning or recommending for sanction proposals for a terminal tax the Local Government would consider inter alia the financial position of the municipal committee, the total income required for the reasonably efficient discharge of its obligations, the extent to which that can be and is being raised from other forms of taxation, the ratio between the expected net proceeds from the terminal tax and from the octroi or other forms of taxation which it supersedes, the effect of the proposed tax on trade and its incidence on the population affected, but otherwise His Honour would impose no restrictions beyond those which have been indicated above on the imposition of terminal taxes in municipalities."
- 13. In consequence of this representation and the representation of other Local Governments, the Government of India eventually relaxed very considerably the restrictions which they had originally imposed on terminal taxation, and most of the objections which had been raised by the Punjab Government were removed in the "Memorandum of Principles governing the Imposition and Collection of

Terminal Taxes in India," which was issued by the Government of India in 1917.\* The advantages of the system as compared with octroi taxation are being more and more appreciated by local bodies and trade interests, and terminal taxation has now been imposed in about fifty towns in this province.

- 14. This detailed review of the history of octroi and terminal taxation in the Punjab has been undertaken in order to show, in the first place how all through the Government of India have been actuated by the fear that such taxation is an impediment to trade, and in the second place, how the fate of Local Self-Government institutions in the small towns of this province has hung on these systems of taxation. As regards the first of these matters, the Punjab Government (Ministry of Local Self-Government) must, however, observe that nowhere in the whole correspondence extending over sixty years has any proof been given that these forms of taxation in fact. constitute a burden on trade. It is always assumed that this must be so, but no examination of trade statistics has ever been attempted in order to prove this thesis, while there is ample proof that in spite of these forms of taxation trade has enormously increased. The fixed idea on the subject of the harm done by transit duties dates, of course, from the days before there were railways; the main trade routes were roads and rivers, and if merchants had to pay dues in every town situated on these routes through which they passed, trade inevitably suffered. Now-adays, however, there is practically no such trade; towns may be the collecting places of country produce for export or distributing centres for imported articles, but through trade in the true sense of the term all goes by railway, and is absolutely unaffected by octroi or other such taxation at places between its starting point and its destination with the exception of the ports. The proposition that octroi and terminal taxes injure through-trade would therefore even if true be irrelevant. The argument against these forms of taxation involves moreover the further assumption, made throughout Taxation Enquiry Committee, that these taxes constitute a heavier burden on trade than direct taxes. Again, however, no proof of this assumption is forthcoming, and the Punjab Government (Ministry of Local Self-Government) cannot conceive that any reasonable person could contend that the light, octroi and terminal taxes levied in this province are anything like the burden on trade that the "rates" in Great Britain constitute. The burden of the rates on industry and commerce in Great Britain is a constantly voiced complaint, and, in the opinion of this Government, it would be no kindness to attempt to habituate local bodies in this country to a system which has in it the potentiality of such disastrous strangling of industry and commerce.
- 15. Whatever the merits of the case against octroi may have been, however, there can be no dispute as to the fact that the prohibition of the levy of octroi in small towns has on various

<sup>\*</sup>Reporduced at the end of this Appendix.

occasions meant the death of Self-Government institutions in such towns, while raising of the prohibition has meant their resurrections and the truth of the lesson that has thus been taught by history is now being exemplified once again. Reference has already been made in paragraph 10 above to the failure which has attended the attempt to introduce direct taxation in 'small towns.' Meanwhile except in the few places which have inherited octroi or terminal tax from their notified area predecessors, there are no funds available for the many sanitary works and improvements which are a crying need of these small urban areas, and the Local Self-Government institutions which have been set up are to a great extent mere mockery. It must not, however, be supposed that the Punjab Government (Ministry of Local Self-Government) are blind to the abuses to which octroi is liable in small places not under the immediate eye of controlling authorities, but the past history of octroi in such places has shown that the "reduced rates system," which is only another name for terminal tax, was not liable to those abuses, and that it was only when the whole elaborate system of refunds and bonded warehouses was forced upon them that the impossibility of properly supervising the arrangements made it necessary to abolish these small local The Punjab Government (Ministry of Local Self-Government) bodies. are, therefore, anxious to revive the old system so that town committees may be in a position to fulfil some at least of their duties. As the law, however, stands it will be necessary to obtain the sanction of the Government of India to the imposition of terminal taxes in most of the small towns of the province. The Taxation Enquiry Committee in paragraph 410 of their report have pointed out the anomaly by which Local Governments may authorize octroi taxation in all cases and terminal taxation in a local area in which octroi was not imposed before the 6th July, 1917. In the eyes of the Committee, however, the anomaly lies in the fact that the Government of India has not retained control in all cases, but, in all the opinion of this Government, it is much more anomalous that Local Governments should have the power to authorize the imposition of octroi but should not have the power to authorize the imposition of a tax which the Government of India have themselves admitted to be much less burdensome on trade. It is true that the restriction at present imposed on this Government could be evaded by re-converting small towns temporarily into notified areas under the Punjab Municipal Act, 1911, section 242 of which authorizes the Local Government to impose any tax without the sanction of the Governor-General, but the Punjab Government (Ministry of Local Self-Government) would much prefer to act in this matter with the consent of the Government of India and to obtain the sanction of the Governor-General under subsection (3) of section 10-A of the Government of India Act to the amendment of the Punjab Small Towns Act, 1921, so as to permit the imposition of a terminal tax in any small town with the sanction of the Tocal Government only. I am accordingly to request that, if the Government of India are agreeable to this course, their decision may be communicated to this Government as soon as possible so that the necessary legislation may

be drafted and submitted for sanction in time for its introduction at the October session of the Punjab Legislative Council.

16. The particular question of the introduction of terminal taxation in small towns having now been dealt with, I am to revert to consideration of the recommendations made by the Taxation Enquiry Committee as to possible substitutes for octroi and terminal taxation and as to the regulation of octroi and terminal taxes in places where their relation is found necessary. In paragraph 403 of the Committee's report it is stated that the most obvious substitute is a rate on land and houses. That there would be difficulty in effecting this substitution is briefly recognized, but it is suggested that if the house-owning interests were less strongly represented on municipal bodies the process of replacement of indirect taxation would be correspondingly expedited. The Punjab Government (Ministry of Local Self-Government) cannot believe that the adoption of a policy which would aim at reducing the representation of a particular class in order to secure the taxation of that class could be seriously comtemplated; but even if it could be admitted that such a course would be equitable, it is difficult to see how such a policy could be effected without rendering property owners ineligible for election as members of municipal bodies The law as it stands nowhere in this province gives property-owners as such any special representation, nor does it place them many way in a more favourable position to secure election than other classes. It must, therefore, be conceded that if the repre sentation of house-owners constitute a serious obstacle to the substitution of direct for indirect taxation that obstacle must almost inevitably remain. This Government are, however, not prepared to admit that the removal of that obstacle even if it were practicable would do very much to expedite the replacement of indirect by direct taxation. The objection to direct taxation is a deep-seated prejudice shared by all classes, and the history of this province ever since annexation has shown that all attempts to remove that prejudice have been in vain. It is not merely that people dislike being singled out for a direct payment; the objection to direct taxation is based equally on the fact that the assessing agency in most municipal areas is partisan if it is not actually corrupt, and the assessment and collection of such taxes sometimes result in such dissatisfaction as reacts on the general administration. It is true that the Taxation Enquiry Committee has suggested that a central assessing and collecting agency should be set up for all local taxes but the Punjab Government (Ministry of Local Self-Government) would most strongly deprecate any such action, as it would transfer to Government all the odium which would be engendered by the imposition of direct taxation and would undermine all sense of responsibility in the tax imposing authority.

17. The other substitutes for octroi and terminal tax suggested by the Taxation Enquiry Committee are the profession tax, market fees and a tax on retail sales. It is not quite clear what form of profession tax is advocated. Such a tax may be in the form of a tax

at rates varying with different professions but with the same rate for all individuals of the same profession, or it may be a form of incometax imposed upon all persons practising any profession at rates varying not with the profession but with the incomes of the persons effected In the former case the tax must be such as the least well-off member of the profession can afford to pay, and the proceeds of the tax must then obviously be comparatively small: in the latter case the assessment in the hands of members of local bodies involves the greatest practical difficulties and even if those difficultiies could be overcome. it is impossible that such a tax should replace octroi and terminal taxation. The total demand on account of income-tax and super-tax in this province is about Rs. 70 lakhs a year. In 1925-26 the income from octroi and terminal tax in municipalities and small towns was nearly the same, and though taxable incomes for the purposes of profession tax might be put much lower than for purposes of income-tax, it is hardly conceiv. able that the Government of India would permit this source of revenue to be entrenched upon for the benefit of local bodies to the extent that would be necessary. As regards market fees, it is clear that enormous capital expenditure would, in the first place, be necessary before such fees could be levied while the number of commodities that can be sold in markets is obviously very far short of the number of commodities subject to octroi and terminal taxation, and the income from market fees could never approximate to the income from these taxes. The third alternative suggested is a tax on retail sales, and the history of the recent attempts in this province to legislate in respect of moneylenders' accounts is sufficient warning of the impracticability of this suggestion.

The discussion of the substitutes for octroi and terminal taxation recommended by the Taxation Enquiry Committee has to some extent been purely academic; as unless it is intended to take from local bodies the initiative in matters of taxation, there is not the slightest chance of any local body in this province voluntarily substituting direct for indirect taxation. Even if there were any such probability, it is more than doubtful whether such a step would be practicable, as the rates of direct taxation that would have to be imposed would be so high that the collection of the taxes would involve such a disturbance of the public peace as cannot be contemplated. The pressure of circumstances is, however, gradually forcing local bodies to supplement indirect by direct taxation, and the Punjab Government (Ministry of Local Self-Government) have found it possible to require the imposition of a direct water-tax on property as a condition of grants-in-aid for water supply undertakings. As the public demand for such amenities increases it is clear that local bodies will more and more be compelled to resort to direct taxation to increase their revenues, and the Punjab Government (Ministry of Local Self-Government) would most strongly deprecate any attempt on the part of the Government of India, if such an attempt is contemplated, to force the pace by compelling local bodies now to adopt a course which is already being forced upon them by circumstances.

Assuming then that octroi and terminal taxation must inevitably remain in this province, I am now to examine the recommendations made by the Taxation Enquiry Committee for their regulation in places where none of the alternatives suggested can be adopted. Most of the principles recommended by the Committee in paragraph 409 of the report are already acted upon in this province. This Government cannot, however, admit that the terminal tax should be assessed entirely without reference to the value of the goods taxed. though it should invariably be assessed by weight or by tale and never ad valorem. A tax assessed by weight on all goods alike at the same rate would obviously be most inequitable: a maund of silk would then pay the same as a maund of iron. Nor can the Punjab Government (Ministry of Local Self-Government) agree that there should be an absolute rule that terminal tax should be imposed at such rates that the total proceeds should not exceed the average revenue from octroi during the preceding three years. In one municipality in this province the present octroi schedule has been in force for over fifty years and in many municipalities there has been no change for over twenty years. Meanwhile prices have risen very greatly and revision of these schedules has long been overdue: if, however, when such revision is undertaken for the purposes of obtaining increased revenue the advantages of terminal tax over octroi are recognized, there seems to be no reason why the substitution should not be effected at once and not postponed for three years. A further proposition to which this Government cannot subscribe is that contained in principle (7) enunciated by the Taxation Enquiry Committee that the levy of a tax on goods exported from a municipality should not be permitted. In their "Memorandum of Principles Governing the Imposition and Collection of Terminal Taxes" the Government of India have admitted that there is no objection to the taxation of exports as well as imports in places where the municipality is large centre of export trade, and this is only logical. If the tax is regarded as payment for the amenities and facilities provided by the local body, there is no reason why all those who enjoy those amenities and facilities should not pay whether they are engaged in import trade or export trade.

## Memorandum of principles governing the imposition and collection of terminal taxes in India.

- 1. The tax will not be introduced in any municipality except with the sanction of Government, who will require to be satisfied as to its necessity and furnished with reasons for its introduction, such reasons being, among others, the abnormally high cost of collection of octroi, a large proportion of refunds of octroi, a large volume of trade not taxed by octroi on account of the refunds involved, the existence of a large export trade, etc.
- 2. The railways concerned will, in all cases, be consulted by Local Governments both before the imposition of terminal taxes and when it is proposed to make any important alteration in existing

taxation. The Local Governments will also, subject to similar consultation, guard against the undue exploitation of railways for the purpose of increasing municipal revenues.

- 3. Provided that the Local Government is satisfied as to the necessity of the tax on grounds such as those specified in paragraph 1 above, it is competent, with the concurrence of the railways concerned, to extend the system, in lieu of octroi, to municipalities other than those in which it is now in force. In municipalities where octroi has not previously been levied, the previous sanction of the Government of India must be obtained to the imposition of terminal taxes.
- 4. The tax should not necessarily be looked upon as a step towards an increasing degree of direct taxation, but may be introduced merely in order to replace octroi: provided that the receipts from the terminal tax do not materially exceed those from the octroi which it supersedes.
- 5. Although the tax will ordinarily be on imports only there is no objection to the taxation of exports as well as imports in places where the municipality is a large centre of export trade.
- 6. The taxation of imports of salt, opium, excisable articles including materials used in their manufacture and mineral oil should always be kept at a low figure.
- 7. Although in all cases where an article is the subject of through trade the rates should be substantially lower than the ordinary standard of octroi, the tax need not necessarily be restricted to a much smaller number of articles than are ordinarily included in octroi schedules, but articles yielding an insignificant return should be omitted.
- 8. The scale of the tax on articles entering a municipality by road or water need not always be approximate to that on articles entering by rail, but arrangements should be made in each case to prevent as far as possible any prejudicial effect on rail-borne traffic.
- 9. Refunds in the usual sense of the term will not be allowed. The duties and liabilities of the railway in respect of the assessment will be decided by arrangement between the railway and the municipality, but ordinarily the work will be checked by the Railway Audit Department subject to such further check as the municipality may desire to provide at its own expense. The rectification of errors will be carried out under the orders of the municipality; the railway employees being free from liability on account of bona fide mistakes. All complaints and questions of refunds will be dealt with by the municipality and no responsibility will attach to the railway in these matters.
  - 10, The rate of remuneration for the collection of the tax

will be a matter for negotiation in each case between the municipality and the railway concerned.

- 11. The articles to be taxed should as far as possible be adapted to the railway classification of goods.
- 12. The tax will be on the weight but will vary with the class of goods. In the case of goods carried in bulk at wagon rates, the tax should be levied on the "weight for charge" as shown in the invoice.
- 13. The following articles, along with such others as the Local Governments and municipalities concerned may exclude, will be exempted from the tax:-
  - (a) railway stores and materials which are required for use on railways whether in constructing, maintaining or working the same and which are not moved outside the railway land boundaries, but not stores imported into municipal limits for purchase and consumption by railway employees nor stores with which the Railway Co-operative Stores are stocked for sale to members; and
  - (b) bona fide personal luggage of passengers and household effects of railway servants transferred on duty from one station to another.

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14. No tax on passengers arriving or departing by rail will be allowed except for altogether special reasons; and then only after consultation with the railway company, or companies concerned and with the sanction of the Government of India."

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### APPENDIX L

### THE LOCAL AUTHORITIES LOANS ACT, 1914.\*

Whereas it is expedient to consolidate and amend the law relating to the borrowing powers of local authorities; It is hereby enacted as follows:—

- Short title and extent.

  1. (1) This Act may be called the Local Authorities Loans Act, 1914.
- (2) It extends to the whole of British India, including the Sonthal Parganas.
- 2. In this Act, 'local authority" means any person legally Definitions.

  entitled to the control or management of any local or municipal fund, or legally entitled to impose any cess, rate, duty or tax within any local area;

"funds," used with reference to any local authority, includes any local or municipal fund to the control or management of which such authority is legally entitled, and any cess, rate, duty or tax which such authority is legally entitled to impose, and any property vested in such authority;

"prescribed" means prescribed by rules made under this Act;

"work" includes a survey, whether incidental to any other work or not.

- 3. (1) A local authority may, subject to the prescribed Borrowing powers of conditions, borrow on the security of its funds or any portion thereof for any of the following purposes, namely:—
  - (i) the carrying out of any works which it is legally authorized to carry out;
  - (ii) the giving of relief and the establishment and maintenance of relief works in times of famine or scarcity;
  - (iii) the prevention of the outbreak or spread of any dangerous epidemic disease;

<sup>\*</sup>Note.—This Act is one of the Acts mentioned in the schedule to the Local Legislatures (Previous Sanction) Rules made by the Government of India under section 80-A (3) (b) of the Government of India Act and published in Government of India Notification No. 3128, dated 16th December 1920, which a local legislature may not repeal or alter without the previous sanction of the Governor-General.

- (iv) any measures which may be connected with or ancillary to any purposes specified in clauses (ii) and (iii);
- (v) the repayment of money previously borrowed in accordance with law:

Provided that nothing in clause (v) shall be deemed to empower a local authority to fix a period for the repayment of any money borrowed thereunder which, when the period fixed for the repayment of the money previously borrowed is taken into account, will exceed the maximum period fixed for the repayment of a loan by or under any enactment for the time being in force:

\*[Provided further that, in the case of loans other than loans made by the Local Government, no amount exceeding twenty-five lakhs of rupees shall be berrowed unless the terms, including the date of flotation of such loan, have been approved by the Governor-General in Council.]

- (2) Nothing in this section shall be deemed to authorize any local authority—
  - (a) to borrow or spend money for any purpose for which, under the law for the time being in force, it is not authorized to apply its funds, or
  - (b) to borrow money by means of the issue of bills or promissory notes payable within any period not exceeding twelve months.

Power of Local Government 4. (1) The †[Local Government] may make ment to make rules consistent with this Act as to—

- (i) the nature of the funds on the security of which money may be borrowed;
- (ii) the works for which money may be borrowed;
- (iii) the manner of making applications for permission to borrow money;
- (iv) the inquiries to be made in relation to such loans, and the manner of conducting such enquiries;
- (v) the cases and the forms in which particulars of applications and proceedings, and orders thereon, shall be published;
- (vi) the cases in which the Local Government my make loans  $[ \uparrow * * * * ]$ ;
- (vii) the cases in which \$[local authorities may] take loans from persons other than the Local Government [† \*\*\*];

<sup>\*</sup>Added by the Devolution Act, 1920. †Substituted by the Devolution Act, 1920. ‡ Omitted by the Devolution Act, 1920. §Amended by the Devolution Act, 1920,

- (viii) the manner of recording and enforcing the conditions on which money is to be borrowed;
- Eq(ix) the manner and time of making or raising loans;
  - (x) the inspection of any works carried out by means of loans;
- (xi) the instalments, if any, by which loans shall be repaid, the interest to be charged on loans, and the manner and time of repaying loans and of paying the interest thereon;
  - (xii) the sum to be charged against the funds which are to form the security for the loan, as costs in effecting the loan;
    - (xiii) the attachment of such funds, and the manner of disposing of or collecting them;
  - (xiv) the accounts to be kept in respect of loans;
    - (xv) the utilization of unexpended balances of loans either in the reduction in any way of the debt of the local authority, or in carrying out any works which that authority is legally authorized to carry out; and the sanction necessary to such utilization; and as to all other matters incidental to carrying this Act into effect.
    - (2) [ \* \* \* \* ].
- (3) All rules made under this Act shall be published [\*\*\*\*] in the local official Gazette; and on such publication shall have effect as if enacted in this Act.
- alom de préfimien 5. If any money borrowed in accordance with the provisions Remedy by attachment of this Act, or any interest or costs due in if loan not repaid. respect thereof, is or are not repaid according to the conditions of the loan, the Local Government, if itself the lender, may, and, if the Local Government is not the lender, shall, on the application of the lender, attach the funds on the security of which the loan was made. After such attachment, no person, except an officer appointed in this behalf by the Local Government, shall in any way deal with the attached funds; but such officers may do all acts in respect thereof which the borrowers might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the loan and of all interests and costs due in respect thereof, and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the funds attached were prefeat prior charges legally viously pledged in accordance with law; but all made such prior charges shall be paid out of the proceeds of the funds before any part of the proceeds is applied to

<sup>\*</sup> Omitted by the Devolution Act, 1920,

the satisfaction of the liability in respect of which such attachment is made.

6. (1) Subject to the provisions of section 26 of the Indian Issue of short term Paper Currency Act, 1910, the local authorities mentioned in Schedule I and any other local authority to which the Governor-General in Council may, by notification in the Gazette of India, extend the provisions of this section, may, with the previous sanction of the Governor-General in Council, borrow money by means of the issue of bills or promissory notes payable within any period, not exceeding twelve months, for any purpose for which such local authority may lawfully borrow money under any law for the time being in force:

Provided that the amount of the bills or promissory notes which may be so issued, shall not exceed, when the amount of the other moneys for the time being borrowed by such local authority is taken into account, the total amount which such local authority is empowered by law to borrow.

- (2) The Governor-General in Council may, by general or special order, regulate the conditions on which money may be borrowed or repaid under this section.
- 7. Except as provided by or under this Act, no local authority

  Loans not to be effect—shall, for any purpose, borrow money upon, or
  ed except under this Act—otherwise charge, its funds; and any contract
  otherwise made for that purpose after the passing of this Act shall
  be void:

Provided that nothing herein contained shall be deemed—

- (a) to preclude any local authority from exercising the borrowing powers conferred on it by any special enactment now or hereafter in force; or
- (b) to affect the power conferred on any local authority by any such enactment to charge its funds, by guaranteeing the payment of interest on money to be applied to any purpose to which the funds of the local authority can legally be applied.
- 8. The Secretary of State in Council shall be entitled to the remedy mentioned in section 5 for the recovery of any money lent by him to any local authority before the 5th day of September, 1871, and the interest day on such money.
- 9. The enactments mentioned in Schedule Repeals. II are repealed to the extent specified in the fourth column thereof:

Provided that all applications, declarations, authorizations, attachments, loans and rules made under any of these enactments shall be deemed to have been made under this Act.

## SCHEDULE I. (See Section 6.)

The Corporation of Calcutta.

The Commissioners for the Port of Calcutta
The Commissioners for the Port of Chittagong.
The Municipal Corporation of the City of Bombay.
The Trustees of the Port of Bombay.
The Corporation of Madras.
The Trustees for the Port of Madras.
The Municipal Committee of Rangoon.
The Commissioners for the Port of Rangoon.
The Municipality of Karachi.
The Trustees of the Port of Karachi.
The Trustees for the Improvement of the City of Bombay.
The Trustees for the Improvement of the City of Calcutta.

## SCHEDULE II. ENACIMENTS REPEALED.

(See section 9.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1879	XI	The Lochl Authorities Loans Act, 1879.	So much as is not repealed.
1885	XV	The Local Authorities Loans Act (1879) Amendment Act, 1885.	The whole.
1897	XII	The Local Authorities (Emergency) Loans Act, 1897.	So much as is not repealed.
1904	Ш	The Local Authorities Loans Act, 1904.	So much as is not repealed.
1905	I	The Local Authorities Loans (Amendment) Act, 1905.	The whole.
1907	V	The Local Authorities Loans (Amendment) Act, 1907.	The whole. The whole.
1908	VIII	The Local Authorities Loans (Amendment) Act, 1908.	The whole,
1912	XI	The Local Authorities (Emergency) Loans (Amendment) Act, 1912.	The whole.

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RULES MADE BY THE PUNJAB GOVERNMENT (MINISTRY OF EDUCATION UNDER SECTION 4 OF THE LOCAL AUTHORITIES LOANS ACT, 1914, PUNJAB GOVERNMENT NOTIFICATION NO. 20801, DATED 9TH AUGUST, 1922.

#### TITLE AND INTERPRETATION.

- 1. (1) These rules may be called the Local Authorities Loans Rules for the Punjab, 1922.
  - (2) They shall come into force on the 15th August, 1922.
  - 2. In these rules—
    - (1) "the Act" means the Local Authorities Loans Act, 1914 (IX of 1914);
    - (2) "loan" means a loan, for a term not exceeding 30 years [or such longer term as the Local Government may sanction in any case] applied for, taken, or raised under the Act;
    - (3) "Government loan" means a loan taken from Government funds;
  - (4) "Non-Government loan" means a loan raised, with the sanction of Government, otherwise than from Government funds;
  - (5) "term of a loan" means a period elapsing between the date on which the loan is completely made, taken or raised, and the date on which it is completely repaid;
  - (6) "Local Authority" includes a Municipal Committee, a District Board, and a Small Town or Notified Area Committee; and
  - (7) "Local Government" means the Local Self-Government Department of the Punjab Government.

#### APPLICATION.

- 3. A Local Authority shall not borrow money for any of the purposes specified in clauses (i), (ii), (iii) or (iv) of sub-section (1) of section 3 of the Act, unless the work to be carried out is either—
  - (a) within the Local limits of the area subject to the control of the Local Authority; or

<sup>1.</sup> Inserted by P. G. Notn. No. 25437, dated 4th September, 1928.

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- (b) for the benefit of the inhabitants within those limits.
- 4. When a Local Authority desires to obtain a loan, it shall submit, through the usual channel, an application to the Local Government stating—
  - (1) the purpose for which the loan is required, and where the loan is required for any of the purposes specified in clauses (i), (ii), (iii) or (iv) of sub-section (1) of section 3 of the Act, an estimate of the cost of the entire work or such part of it as it is proposed to carry out from loan funds;
    - (2) whether the loan is productive or non-productive;

Note.—No loan shall be classed as productive on which the anticipated yield is less than 8 per cent. per annum.

- (3) the amount which it is proposed to borrow;
- (4) the fund on the security of which it is proposed to borrow;
  - (5) the law under which the said fund is levied, received or held;
- (6) the dates within which it is proposed that the money shall be borrowed, and when it is proposed to raise a loan in instalments, [the amount of each instalment,] the dates within which it is proposed that the first instalment shall be taken or raised, and the years in which it is proposed that subsequent instalments shall be taken or raised;
  - (7) the rate of interest at which it is proposed to borrow;
- (8) the term of years for which the money is to be borrowed, and the method by which it is to be repaid with the dates on which payment is to be made. If it is proposed to repay the loan by means of a sinking fund, the rate of interest, at which the improvement of such sinking fund is to be calculated, shall also be stated;
  - (9) the financial position of the Local Authority, including-
    - (a) a statement of all existing prior charges on its funds,
    - (b) a statement of income and expenditure for the last three financial years, and
    - (c) a statement of anticipated income and expenditure for
  - 1. Inserted by P. G. Notn. No. 29319, dated 24th October, 1928.

the financial year or years in which the loan is to be raised, shewing provision for payment of interest and sinking fund charges, if any;

- (10) the orders of Government or the Commissioner, according administrative approval to the project in connection with which it is proposed to raise the loan; and
  - (11) acceptance of the obligation to reimburse Government for any loss incurred if the loan or instalment is not taken up within the dates referred to in rule 4 (6) or rule 8 (2) as the case may be.

### GOVERNMENT LOANS.

- [15. If the application is for a Government loan, it shall be submitted through the Deputy Commissioner and the Commissioner. In the case of each loan the Deputy Commissioner shall note—
  - (a) whether the statements in the application are correct;
  - (b) whether the loan is likely to be utilized in the financia year in which it is granted; and
  - (c) any other matters relevant to the case.

The Commissioner shall forward the application to Government in the Local Self-Government Department with any remarks that he may desire to make thereon.]

- 6. The Local Government may cause such further enquiry as it thinks fit to be made into the statements contained in the application and into the utility of the purpose for which the loan is proposed.
- 7. If it appears to the Local Government that there is no prima facie case for a loan it shall reject the application.
- 8. (1) If it appears to the Local Government, after consultation with its Finance Department, that there is a prima facie case for a loan, it shall cause to be published in the Punjab Gazette and in such other manner as it may deem fit within the local limits of the area subject to the control of the Local Authority, a copy of the application and such particulars in regard to any enquiry made under rule 6 or otherwise as it may think necessary, [2provided that if the amount of the loan does not exceed one lakh of rupees the Finance Department need not be consulted.]

Substituted by P. G. Notn. No. 23393, dated 16th August, 1926.
 Added by P. G. Notn. No. 25437, dated 4th September, 1928;

- (2) If it is not possible for the Local Government to make budget provision for grant of the loan within the dates proposed under rule 4 (6) it shall notify to the Local Authority the earliest dates within which it is probable that such provision can be made for the loan, or the first instalment thereof, as the case may be. In such case the Local Authority shall be at liberty to withdraw its application. If it does not do so within one month of receipt of the notice the dates fixed under this section shall be substituted for those referred to in rule 4 (6).
- [19. After the expiry of at least one month from the date of publication referred to in sub-rule (1) of rule 8, and if the local authority does not withdraw its application under sub-rule (2) of rule 8 the Local Government shall consider any objections which may be preferred, and after calling for any further information which it may require, may either—
  - (a) reject the application, or
  - (b) take measures for the provision of the necessary funds.]
- [10. (1) If the Legislative Council has voted funds for loans to Local Authorities without specifying the particular loans to which the funds are to be applied, and funds are still available, the Local Government may grant the loan out of such funds.
- (2) If funds voted by the Legislative Council are not available, the Local Government may submit to the Legislative Council a demand for the purpose of the loan either by inclusion in the budget demands or by means of a supplementary demand: provided that in cases of urgent necessity the Finance Department may sanction the loan in anticipation of the vote of the Legislative Council, but in that case a demand for a grant of the amount of the loan shall be submitted to the next session of the Legislative Council.]
- 11. The following provisions shall apply to interest on Government loans, namely:—
  - (1) Interest\*shall be charged at the rate of 7½ per cent. per annum at yearly or half-yearly intervals as the Local Government may determine and shall be reckoned and paid on each instalment from the date on which such instalment is received by the Local Authority.
  - (2) The Local Government may, if it thinks fit, direct that compound interest at the rate of 10 per cent. per annum shall be paid upon all overdue instalments of interest, or of principal and interest.

<sup>1.</sup> Substituted by P. G. Notn. No. 23393, dated 16th August, 1926.

Note.—A direction was published under this clause in P. G. Notn. No. 14691, dated 27th April, 1928:

Provided that the Local Government shall retain the power to alter the rate of interest charged on Government loans in accordance with the economic rates prevailing at any future time.

Note.—The rate was changed to 6 per cent. by P. G. Finance Department Resolution No. 10885-B, dated 7th April, 1927.

- 12. The Local Government shall, in granting the loan, prescribe the term of the loan and the instalments by which liquidation shall be secured, with the dates on or within which such instalments shall be paid.
- 13. With the previous consent of the Local Government the Local Authority may, at any time, repay the whole or any part of a Government loan in advance of the period fixed by the conditions of the loan.
- 14. The accounts of every Government loan shall be kept by the Accountant-General.
- account of the transaction for which a Local Authority has taken a Government loan the Local Government is satisfied that the whole of the money has not been spent on the work for which it was borrowed, the Local Government may direct that the unexpended balance shall be forthwith repaid to Government and the principal of the debt reduced by an equivalent amount. The Local Government may direct such variations as it may deem necessary on this account in the instalments fixed for the liquidation of the loan.

### Non-Government Loans.

- 16. If the application is for a non-Government loan the Local Government shall proceed in the manner laid down by rules 5, 6, 7 and 8 (1) for Government loans, and after the expiry of one month from the date of publication referred to in rule 8 (1), may either—
  - (a) reject the application, or
  - (b) sanction the raising of the loan.

Note.—Nothing in rule 5 or in this rule shall preclude the submission of an application for a non-Government loan on any date of the year.

17. The amount of a non-Government loan shall not ordinarily exceed five lakhs of rupees.

- approval of the Local Government, vary the dates within which the raising of a non-Government loan, or of the first instalment thereof has been sanctioned; and if the loan is raised by instalments, the Local Authority shall report, for the previous approval of the Local Government, the dates within which each further instalment is to be raised.
- 19 If on the completion of the work or the closing of the account of the transaction for which a Local Authority has taken a non-Government loan the Local Government is satisfied that the whole of the money has not been spent on the work for which it was borrowed, it may direct that the unexpended balance shall be utilized either in the reduction in any way of the debt of the Local Authority, or in carrying out any works which that Authority is legally authorised to carry out.

#### GENERAL.

- 20. (1) In granting a loan, the Local Government may prescribe any further conditions not inconsistent with the Act, and with these rules, as it may deem fit.
- (2) In particular and without prejudice to the generality of sub-rule (1) the following conditions shall be prescribed, namely:
- (i) In the case of every loan, the Local Government may determine and the Local Authority shall pay the cost
- (a) of any inquiry made under rule 6,
  - (b) of advertisements published under rule 8 (1),
  - (c) of inspections made, and other measures of control taken, under rule 22, and
- (d) of any other proceedings taken by order of the Local Government under these rules.
  - (ii) In the case of every loan, the Local Authority shall furnish to the Accountant-General, and to the Local Government, any information which they may require regarding its funds and regarding the expenditure of the loan.
- 21. If a non-productive loan is not repayable by annuities or annual drawings, the Local Authority shall establish a sinking fund in the following manner:—
- v: (1) it shall pay out of its income, yearly or half-yearly into such fund, a sum which accumulating at such rate of compound interest as the Local Government may fix, will

be sufficient to secure the liquidation of the loan within the term fixed for its repayment;

- (2) it shall make the first of such payments within one year from the date of taking or raising the loan, unless the Local Government otherwise directs, and
- (3) it shall submit the accounts of its sinking fund annually to the Accountant-General and shall at once make good from its income any amount by which he may certify that the fund is deficient, unless the Local Government sanctions a gradual re-adjustment.
- 22. The Local Government shall make such provision as it may deem necessary—
- (a) for ascertaining and securing that the money borrowed is duly applied to the purpose for which it has been borrowed, and that the unexpended balance of the loan is not employed otherwise than in accordance with these rules;
- (b) where the loan is taken for any of the purposes specified in clauses (i), (ii), (iii) or (iv) of sub-section (1) of section 3 of the Act, for the proper inspection of the work to be carried out: provided that every such work and the accounts connected therewith shall be open at all times to the inspection of—
  - (1) the Superintending Engineer or Executive Engineer in whose division the work is situated,
  - (2) of any person who may be authorised to inspect the accounts of Local Authority, and
  - (3) of any other person specially authorised by the Local Government in this behalf.
- 23. If, in the opinion of the Local Government, the Local Authority has failed to comply with any of the conditions prescribed in the Act or in these rules in respect of any loan, it may at any time determine such loan and may further direct that any amount advanced with interest thereon shall be repaid immediately.
- 24. When the Local Government decides to attach any funds under section 5 of the Act, the following procedure shall be observed, namely:—
  - (a) the Local Government shall issue a notice to the Local Authority prohibiting the collection or management of such funds by the Local Authority, and vesting the admin-

istration thereof in such officer as the Local Government may appoint. The Local Government shall cause such notice to be published in the *Punjah Gazette* and in such other manner as it may deem fit within the local limits of the area subject to the control of the Local Authority;

- (b) the officer appointed by the Local Government under section 5 of the Act shall pay the money collected or received under such attachment to the lender, or in the case of a Government loan, into the Government Treasury;
  - (c) the said officer shall prepare the accounts of moneys so collected, and the cost of collection, in such form as the Local Government may, from time to time, direct. He shall deliver a copy of the accounts to the Local Authority, and shall cause a copy to be published in the Punjab Gazette.
- 25. Notwithstanding anything contained in the foregoing rules, it shall be permissible for a District Board, which desires to construct a railway, partly from the proceeds of a cess levied for that purpose and partly from borrowed funds, to borrow money by means of debentures repayable at the option of such District Board.

#### APPENDIX M.

#### THE GOVERNMENT BUILDINGS ACT, 1899.

Whereas it is expedient to provide for the exemption from the operation of municipal building laws of certain buildings and lands which are the property, or in the occupation of the Government and situate within the limits of a municipality; it is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Government Buildings Act, 1899.

- (2) It extends to the whole of British India; and
- (3) It shall come into force at once.
- 2. In this Act the expression "municipal authority" includes a "Municipal authority" municipal corporation or a body of municipal defined. commissioners constituted by, or under the provisions of, any law or enactment for the time being in force.
- Nothing contained in any law or enactment for the time being in force to regulate the erection, re-erec-Exemption of certain Government buildings tion, construction, alteration or maintenance of from municipal laws to buildings within the limits of any municipalities regulate the erection, shall apply to any building used or required for etc., of buildings within the public service or for any public purpose which municipalities. is the property, or in the occupation, of the Government, or which is to be erected on land which is the property, or in the occupation, of the Government:

Provided that, where the erection, re-crection, construction or material structural alteration of any such building as aforesaid (not being a building connected with Imperial defence, or a building the plan or construction of which ought, in the opinion of the Government, to be treated as confidential or secret) is contemplated, reasonable notice of the proposed work shall be given to the municipal authority before it is commenced.

4. (1) In the case of any such building as is mentioned in the Objections or suggestions as to erection, etc., of certain Government buildings within municipalities how to be made and dealt with.

1 In the case of any such building as is mentioned in the last preceding section (not being a building connected with Imperial defence or a building the plan or construction of which ought, in the opinion of the Government, to be treated as confidential or secret), the municipal authority or any person authorised by it in this behalf, may, with the permission of the Local Government previously obtained, but not otherwise, and

subject to any restrictions or conditions which may, by general or special order, be imposed by the Local Government, inspect the land and building and all plans connected with its erection, re-erection, construction or material structural alteration, as the case may be, and may submit to the Local Government a statement in writing of any objections or suggestions which such municipal authority may deem fit to make with reference to such erection, re-erection, construction or material structural alteration.

(2) Every objection or suggestion submitted as aforesaid shall be considered by the Local Government, which shall, after such investigation (if any) as it shall think advisable, pass orders thereon, and the building referred to therein shall be erected, re-erected, constructed or altered, as the case may be, in accordance with such orders:

Provided that, if the Local Government overrules or disregards any such objection or suggestion as aforesaid, it shall give its reasons for so doing in writing.

(3) Every order passed by the Local Government under this section [\*in regard to any building which is used or required for the administration of a central subject as defined in section 45-A of the Government of India Act or which is the property of Government of India], shall be subject to revision by the Governor-General in Council, but not otherwise, and the decision of the Governor-General in Council thereon shall be final.

<sup>\*</sup>Added by the Devolution Act, 1920.

#### APPENDIX N.

- EXTRACT FROM THE GOVERNMENT OF INDIA MEMORANDUM OF INFORMATION LIKELY TO BE USEFUL TO PERSONS SENDING PATIENTS FOR TREATMENT AND TO PATIENTS ARRIVING AT THE PASTEUR INSTITUTE, KASAULI.
- "8. The Government of India have granted, both to Government servants and to such indigent persons as are unconnected with the public service and are not assisted by private employers, etc., certain concessions to enable them when bitten by a rabid animal, to proceed without delay to the Pasteur Institute at Kasauli for treatment. These concessions are as follows:—
  - (1) Any Government servant, who has difficulty in finding at once the means to enable him to proceed to the Institute and whose substantive pay exceeds Rs. 100, but does not exceed Rs. 500 a month, may be granted an advance sufficient to defray his actual travelling expenses to Kasauli and back, not exceeding the amount admissible under the rules as laid down in the Civil Account Code, Volume I, paragraph 137 (h), and Army Regulations, India, Volume X, paragraph 83 (x). He may also be given an advance of one month's pay and be granted one month's casual leave or, when the appointment of a substitute is found necessary, one month's extra privilege leave, any leave required in excess being treated as privilege or sick leave. The sums thus advanced will be recovered in not less than three, but not more than twelve, monthly instalments.
  - (2) Any Government servant, who has been bitten by a rabid animal and who is too poor to proceed to Kasauli at his own expense may, provided that he is drawing not more than a substantive pay of Rs. 100 a month, be granted—
  - (a) his actual travelling expenses to Kasauli and back, not exceeding the amount admissible under the rules as laid down in the Civil Account Code, Volume I, paragraph 137 (h), and Army Regulations, India, Volume X, paragraph 83 (x), [Government servants of the third and fourth classes (as defined in Article 1002 of the Civil Service Regulations) may, however, be granted their full actual expenses for journeys by road at the discretion of Local Governments];
  - (b) an advance of one month's pay; and

- (c) one month's casual leave or, when the appointment of a substitute is found necessary, one month's extra privilege leave. (Any leave required in excess will be treated as privilege or sick leave).
- (3) Government servants drawing not more than Rs. 25 per mensem are entitled to maintenance allowance during treatment as well as during the journey to, and from, the Pasteur Institute, at the rates of daily allowance admissible to officers of third and fourth classes (as the case may be) under Article 1063 of the Civil Service Regulations.
- (4) Any Government servant drawing a substantive pay of not more than Rs. 500 a month may, if a member of his family is bitten by a rabid animal and he has difficulty in finding at once the means of sending him or her to the Pasteur Institute, be granted an advance, not exceeding the actual travelling expenses [as defined in clauses (1) and (2)(a) above] of the person bitten to Kasauli and back, plus one month's pay. If his pay does not exceed Rs. 100 a month, an advance of travelling expenses for an attendant, if necessary, may also be given at the rate sanctioned for the patient. The advances will be recoverable in the same manner as those referred to in clauses (1) and (2) (b) above. If his pay does not exceed Rs. 50 a month, or if, in the opinion of the Commissioner of the Division or the Head of the Department, special circumstances exist which warrant the grant of an extended concession to a person drawing not more than Rs. 100 a month, the recovery of the amount advanced as travelling expenses for the attendant may be waived altogether or in part. Governments or Heads of Departments may also waive in special cases the recovery of the amounts advanced for the travelling expenses of members of families of Government servants whose pay does not exceed Rs. 50 a month.
- (5) Any indigent person unconnected with the public service who, in the opinion of any officer authorized to grant the concession, is unable to proceed to the Pasteur Institute at his own expense, may be granted
  - (a) 3rd class fare by rail if not receiving a railway concession, and actual expenses of journey by road, river, or ocean steamer, as the case may be, to Kasauli and back;
  - (b) maintenance allowance at the following daily rates:—
    Europeans and Anglo-Indians Re. 1 during the journey and Rs. 2-8-0 during treatment; Indians 4 annas a day during the journey and 6 annas a day during treatment.
- (6) Indigent persons, including women, children under 16 years

of age, and men who are, by reason of age or other sufficient cause, incapable of travelling alone, may be allowed one attendant to accompany them to the Institute, except in the special cases referred to in the note below when more than one attendant may be allowed, the cost being borne, if no railway concession is granted, by the fund to which the charges on account of the patient are debited. Such attendant or attendants may be granted the travelling expenses and maintenance allowance at the rate sanctioned for patients and also wages, not exceeding 4 annas a day, in cases where the despatching officer is satisfied that the patient is unable to pay the daily expenses of the attendant or attendants. (This concession is also admissible to Government servants drawing not more than Rs. 100 a month).

Note.—More than one attendant may be allowed on the authority of one of the authorities mentioned in paragraph 7 (d) above, in special cases as, e.g., when the patient is a child unable to travel without the mother or other woman in charge who also requires an attendant, or when the patient is a woman and in addition to one attendant is compelled to take one or more children with her.

- 9. The following is a short summary of the rules and regulations which have been laid down by the Government of India for the administration of these concessions:—
  - (1) Any Government servant, not below such rank as may be fixed by the Local Government, is empowered to grant the above-mentioned concessions, except the maintenance allowance and return journey charges of indigent patients, which will be paid at Kasauli, and to authorize the immediate departure for Kasauli of any of the classes of persons specified, whether Government servants or indigent persons unconnected with the public service.
  - (2) An intimation in the form appended to this memorandum is to be sent by the despatching officer either with the patient (in a closed cover addressed to the Director) or with as little delay as possible after the despatch of the patient.
  - (3) Allowance for certified indigents and, when admissible, for their attendants also, will be drawn as follows:—
    - (a) Conveyance charges from the arrival station to the Institute may be paid by the Director in exceptional cases in which indigent patients are not sufficiently provided with funds for their onward journey and are unable to travel on foot owing to the severity of their wounds, ill-health, or old age. Such charges will be supported by a certificate of indigence, insufficiency of funds supplied

- and incapacity of the patient to travel on foot and will be recovered from the local Treasury.
- (b) Maintenance charges for days spent at Kasauli will be advanced by the Director of the Institute and recovered by him from the local Treasury Officer. No refund will be made by the Treasury Officer for any advance made, unless vouched for by a certificate stating indigence and the fund from which the expenditure is to be met.
- (c) Travelling allowances and maintenance charges for the return journey will be paid by the Director of the Institute according to the rates admissible to a patient and will be recovered from the local Treasury Officer. The charges will be supported by the intimation received from the officer who is responsible for the original advance and a discharge certificate from the Director in respect of each individual to whom advances are made on these accounts.

Note.—These advances will be made from a permanent advance and will be recouped on consolidated bills.

(4) The Director may also make advances to indigent persons who come to Kasauli paying their own expenses up to the landing station but are unable to pay the conveyance charges for the further onward journey or to maintain themselves there or to pay for their return journey. The possibility of recovering these advances should then be investigated in the following manner. The Director should correspond direct with the officers in charge of the districts to which the patients, to whom advances have been made, say they belong, and should ask them to take over for investigation, claims in respect of the advances District officers should also take over these claims as soon as they are satisfied that the persons who received the advances actually belong to their districts and should inform the Director that they have done so. The Director should then recover the amounts advanced from the Treasury, producing the district officers' "acceptances" vouchers, and the claims should then be passed on to the provinces concerned - to be adjusted as the amounts advanced are recovered or written off under the local rules. Any sum which is found to be irrecoverable after being passed on to a district officer will be debited to the province concerned as a provincial charge under the head "32-Miscellaneous-Miscellaneous charges for the treatment of patients at the Pasteur Institute, Kasauli." Otherwise, i.e., if no district officer takes over the claim, the Director will send to the Treasury Officer a certificate to this effect, on which the advance will be refunded to the

Director. The amount will then be adjusted finally in the books of the Accountant-General, Punjab, under the head specified above.

- (5) With regard to indigent patients who are sent, for treatment, from the Pasteur Institute to the Civil or Cantonment General Hospital, Kasauli, or are admitted into the Rabies Hospital, the Director will, in the first instance, defray the expenses connected with their diet and hospital charges and, in case of death, of their burial or cremation, as the case may be, and recover the cost in the same way as in the cases referred to in clauses (3) (b) and (4) above.
- (6) The Director of the Institute may, on the production of satisfactory proof of identity and of adequate evidence that the patient, if a Government servant, did not receive an advance of one month's pay admissible to him under these rules and regulations as a recoverable loan, grant to such a Government servant an advance, not exceeding one month's pay, intimating the grant to the Head of the Department to which the Government servant belongs, with a view to the recovery of the sum advanced from his salary in not less than three, but not more than twelve, monthly instalments. The proof furnished by the Government servant will be made a voucher and the charge will be recovered by the Director from the Treasury Officer at Kasauli, who will arrange to pass it on to the province concerned. Subject to the same conditions of proof and recovery, the Director may also make, in very special cases, a further advance, not exceeding half a month's pay, to a Government servant who has already received an advance of one month's pay before his departure for Kasauli but has run short of funds while under treatment. the above advances may also be granted, subject to the above conditions of proof and recovery, if applied for in the case of the family of a Government servant undergoing treatment at the Institute.

### FORM OF INTIMATION.

(a)is hereby directed to proce	ed
for anti-rabic treatment to Kasauli and is allowed to take (b) as his attendant. He is a (c)	-
sent at the expense of $(d)$ — who w	:11
bear all further charges in connection with his treatment.	111
He has been granted the concession noted on reverse.	
Nothing for maintenance at Kasauli and return journey e	·V-
penses has been advanced to him.	2,-
Station Signature	- 1
(Depatching Officer)	1
Dated the 19 . Designation	<u>.                                      </u>
(a) Name of the patient.	
(b) Name of the attendant (if any sent).	
(c) 1. Government servant.	
2. Local Fund servant.	
3. Municipal servant.	
<ul><li>3. Municipal servant.</li><li>4. Member of the family of No. 1, 2 or 3.</li></ul>	
5. Indigent person.	
(d) 1. Government, if so, also state, Provincial or Imperial r	e-
venues.	•
2. Municipal Fund.	
3. Local Fund.	
N. E.—Nothing to be stated against (d) if the patient is	a
Government servant.	
List of concessions granted to	
sent for anti-rabic treatment.	
Advance of one month's pay.	
Road journey allowance to the entraining railway statio	
close reilmore for ( tielrote)	ц
class railway fare ( tickets) to third class free tickets from	
	31
head from to Diet <i>en route</i> day at per day Road journey allowance	/S
at per day Road journey allowance Kalka to Kasauli :—	Э,
Mileage, Rs.	
Rickshaw, Rs.	
Pony hire, Rs.	
Coolie, Rs.	
00010, 105.	
Note 1.—Copies of this form may be obtained gratis on appli	_
cation at the nearest dispensary or police station.	
Note 2.—Rates of conveyances plying between Kalka and	d
Kasauli.	
Rs. a. p.   Rs. a. p	
Coolie $0  ext{ 5}  ext{ 9}  ext{ Pony, 1st class}  ext{ } 2  ext{ 9}  ext{ }  ext{}$	
Baggage mule 0 15 0 Pony, 2nd class 1 9	
Dooly ,, 2 6 0 Dandy (8 coolies) 4 2	
Rickshaw (8 coolies) 5 4	

#### APPENDIX O.

#### THE EPIDEMIC DISEASES ACT, 1897.

An Act to provide for the better prevention of the spread of dangerous epidemic diseases.

Where it is expedient to provide for the better prevention of the spread of dangerous epidemic disease; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Epidemic Diseases Act, 1897.

- (2) It extends to the whole of British India (inclusive of British Baluchistan, the Santhal Parganas and the Pargana of Spiti); and
  - (3) It shall come into force at once.
- 2. (1) When at any time the Governor-General in Council is Power to take special measures and prescribe regulations as to dangerous epidemic disease. Such that India or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease, the Governor-General in Council, if he thinks that the ordinary provisions of the law for the time being in force are insufficient for the purpose, may take or require or empower any person to take such measures and, by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons as he shall deem necessary to prevent the outbreak of such disease or the spread thereof, and may determine in what manner and by whom any expenses incurred (including compesation if any) shall be defrayed.
- (2) In particular and without prejudice to the generality of the foregoing provisions, the Governor-General in Council may take measures and prescribe regulations for—
  - (a) the inspection of any ship or vessel leaving, or arriving at, any port in British India and such detention thereof, or of any person intending to sail therein or arriving thereby, as may be necessary;
  - (b) the inspection of persons travelling by railway or otherwise, and the segregation, in hospital, temporary accommodation or otherwise, of persons suspected by the inspecting officer of being infected with any such disease.

[¹(3) \* \* \* \* ]

Concurrent powers of Local Government is satisfied that the Province or any part thereof is visited by, or threatened with, an outbreak of any danger-ous epidemic disease, and that the ordinary provisions of the law for the time being in force are insufficient to prevent the outbreak of such disease or the spread thereof, such Local Government may exercise all or any of the powers conferred by this Act on the Governor-General in Council.]

- 3. Any person disobeying any regulation or order made under this Act shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code.
- 4. No suit or other legal proceeding shall lie against any person for anything done or in good faith intended to be done under this Act.

Omitted by the Devolution Act, 1920.
 Inserted by the Devolution Act, 1920.

#### APPENDIX P.

#### EXTRACTS FROM THE INDIAN TELEGRAPH ACT, 1885.

10. The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along or across, and posts in or upon, any immovable property:

#### Provided that—

- (c) except as hereinafter provided, the telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority.
- 12. Any permission given by a local authority under section 10, clause (c), may be given subject to such reasonable conditions as that authority thinks fit to impose, as to the payment of any expenses to which the authority will necessarily be put in consequence of the exercise of the powers conferred by that section, or as to the time or mode of execution of any work or as to any other thing connected with or relative to any work undertaken by the telegraph authority under those powers.
- 13. When, under the foregoing provisions of this Act, a telegraph line or post has been placed by the telegraph authority under, over, along, across, in or upon any property vested in or under the control or management of a local authority, and the local authority, having regard to circumstances which have arisen since the telegraph line or post was so placed, considers it expedient that it should be removed or that its position should be altered, the local authority may require the telegraph authority to remove it or alter its position, as the case may be.
- 14. The telegraph authority may, for the purpose of exercising the power conferred upon it by this Act in respect of any property vested in or under the control or management of a local authority, alter the position thereunder of any pipe 1 (not being a main) for the supply of gas or water, or of any drain (not being a main drain):

#### Provided that-

(a) when the telegraph authority desires to alter the position of any such pipe or drain, it shall give reasonable notice of its intention to do so, specifying the time at which it

will begin to do so, to the local authority, and, when the pipe or drain is not under the control of the local authority, to the person under whose control the pipe or drain is;

- (b) the local authority or person receiving notice under clause (a) may send a person to superintend the work, and the telegraph authority shall execute the work to the reasonable satisfaction of the person so sent.
- 15. (1) If any dispute arises between the telegraph authority and a local authority in consequence of the local authority refusig the permission referred to in cection 10, clause (c), or prescribing any condition under section 12, or in consequence of the telegraph authority omitting to comply with a requisition made under section 13, or otherwise in respect of the exercise of the powers conferred by this Act, it shall be determined by such officer as the Local Government may appoint either generally or specially in this behalf.
- (2) An appeal from the determination of the officer so appointed shall be to the Local Government; and the order of the Local Government shall be final.
- 18. (1) If any tree standing or lying near a telegraph line interrupts, or is likely to interrupt, telegraphic communication, a magistrate of the first or second class may, on the application of the telegraph authority, cause the tree to be removed or dealt with in such other way as he deems fit.
- (2) When disposing of an application under sub-section (1), the magistrate shall in the case of any tree in existence before the telegraph line was placed, award to the person interested in the tree such compensation as he thinks reasonable, and the award shall be final.

#### APPENDIX Q.

# EXTRACTS FROM THE INDIAN TRAMWAYS ACT, 1886.

Procedure of making order. (6) (1) The Local Government on receiving an application shall consider it, and, if satisfied as to the propriety of proceeding thereon, publish in the official Gazette, and in such other manner as it deems sufficient for giving information to persons interested, a draft of a proposed order authorising the construction of the tramway.

- (2) A notice shall be published with the draft stating that any objection or suggestion which any person may desire to make with respect to the proposed order will, if submitted to the Local Government on or before a date to be specified in the notice, be received and considered.
- (3) If, after considering any objections or suggestions which may have been made with respect to the draft on or before the date so specified, the Local Government is of opinion that the application should be granted, with or without addition or modification, or subject or not to any restriction or condition, it may make an order accordingly.
- (4) Every order authorising the construction of a tramway shall be published in the official *Gazette* in English, and in the other prescribed language or languages, if any and that publication shall be conclusive proof that the order has been made as required by this section.

Power to make rules. 24. (2) A local authority may, from time to time, with the previous sanction of the Local Government, make rules consistent with this Act and with the order and any rules made by the Local Government under this Act for regulating:—

- (a) the rate of speed to be observed in travelling upon a tramway within the circle of the local authority;
- (b) the use of animal power on the tramway;
- (c) the distances at which carriages using the tramway are to be allowed to follow one after the other;
- (d) the stopping of carriages using the tramway and the notice to be given to the public of their approach;
- (e) the manner in which carriages using the tramway after sunset and before sunrise are to be lighted;
- (f) the traffic on roads along or across which the tramway is laid;

- (g) the number of passengers which may be carried in any carriage;
- (h) the licensing and control of drivers, conductors and other persons having charge of the carriages of the promoter or lessee or a licensee; and
- (i) generally, the mode of use of the tramway.

Power to impose penalty by rule 25. The authority making any rule under section 24 may direct that a breach of it shall be punishable with fine which may extend:—

- (a) if the authority making the rule is the Local Government, to two hundred rupees; and
- (b) if that authority is a local authority or a promoter or lessee, to twenty rupees; and when the breach is a continuing breach, with a further fine which may extend:—
- (c) if the authority making the rule is the Local Government, to fifty rupees, and
- (d) if that authority is a local authority or a promoter or lessee, to five rupees; for every day after the first during which the breach continues.

Procedure for making and publication of rules.

26. (1) Every authority having power to make rules under any section of this Act shall, before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

- (2) The publication shall be made, in the case of rules made by the Local Government, in such manner as may in its opinion be sufficient for giving information to persons interested and, in the case of rules made by a local authority or by a promoter or lessee, in the manner prescribed.
- (3) There shall be published with the draft a notice specifying a date, not earlier than the expiration of one month after the date of publication, at or after which the draft will be taken into consideration.
- (4) The authority shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.
- (5) The publication in the official Gazette of a rule purporting to be made under this Act shall be conclusive proof that it has been duly made.

Differences between promoters or lessees and authorities.

35. (1) If the difference arises between the promoter or lessee on the one hand and the Local Government or the local authority, or the road authority, or a person having the charge

any sewers, drains, telegraph-lines, gas-pipes, water-pipes, or other things in or on land occupied by the tramway, on the other hand, with respect to any interference or control exercised or claimed to be exercised by, or on behalf of, either party by virtue of this or any other Act, or of the order of the rules made under this Act, or with respect to the propriety of, or the mode of, the execution of any work or with respect to any compensation to be made by or to the promoter or lessee, or on the question whether any work is such as ought reasonably to satisfy the Local Government or the road authority or both, or with respect to any other subject or thing regulated by, or comprised in this Act or the order or the rules made under this Act, and not otherwise expressly provided for therein, the matter in difference shall, except where the parties elect to proceed under section 523 of the Code of Civil Procedure, be settled on the application of either party, by a referee.

#### (2) Where the difference is—

- (a) between the promoter or lessee on the one hand and the Local Government, either as such or as the road authority, on the other, or
- (b) between the promoter on the one hand and the local authority on the other with respect to the sum to be paid by the local authority for an undertaking or part of an undertaking which that authority has required the promoter to sell under section 22,

the referee shall be the District Court within the jurisdiction of which the tramway is situate or where the tramway is within the jurisdiction of more than one District Courts, the District Court within the jurisdiction of which the greater part of the tramway is situate.

- (3) In other cases the referee shall be appointed by the Local Government.
- (4) Except where the referee is the District Court, the powers and procedure of the referee may be prescribed.
- (5) In the case of a difference between a promoter on the one hand and a local authority on the other, with respect to the sum to be paid by the local authority for an undertaking which that authority has required the promoter to sell under section 22, an appeal shall lie to the High Court from the award of the referee as from an original decree of the District Court.
- (6) In the case of every other difference the award of the referee shall be final.
- Saving of powers over road traversed by trampower ways.

  40. (1) Nothing in this Act, or in an order or any rule made under this Act, shall take away or abridge any power which a road authority, local authority or other person has by law to break up, widen,

alter, divert or improve a road, railroad or tramway along or across which a tramway is laid.

- (2) The road-authority, local authority or other person executing any work referred to in sub-section (1) shall not be liable to pay to a promoter, lessee or licensee any compensation for injury done to a tramway by the execution of the work or for loss of traffic occasioned by the reasonable use of any power lawfully exercised for the execution thereof.
- Saving of power of local authority and police to regulate traffic on roads. a road along or across which a tramway is laid; and the authority, magistrate or officer aforesaid may exercise its or his powers as well on as off the tramway and with respect as well to the traffic of a promoter, lessee or licensee as to the traffic of other persons.
- Power to exempt from municipal taxation.

  Promoter, lessee or licensee for such period as it thinks fit, from all or any municipal taxes leviable within those limits.
- Application by local which the local authority of a municipality, authorities of local funds to tramways. which the local authority of a municipality, cantonment or district is entitled or entrusted shall notwithstanding anything in any enactment, respecting the purposes to which that fund may be applied, be applicable, subject to the control of the Local Government, to the payment of expenses incidental to the exercise of the powers and functions which may be vested in or exercised by a local authority under this Act.
- (b) The fund shall also be applicable with the previous sanction of the Local Government, to a guarantee of the payment of interest on money to be applied, with the concurrence in writing of the local authority, within the limits of the local area under its control, to any of the purposes to which the fund might be applied by the local authority under-section (1).

### APPENDIX R.

## EXTRACT FROM THE METAL TOKENS ACT, 1889.

- 8. (1) No piece of metal, which is not coin as defined in the Indian Penal Code, shall be received as money by or on behalf of any.....local authority.
- (2) If any person. ... on behalf of a local authority or on behalf of the lessee of the collection of any toll or other impost leviable by a ..... local authority, receives as money any piece of metal which is not such coin as aforesaid, he shall be punished with fine which may extend to ten rupees.

### APPENDIX S.

# EXTRACTS FROM THE INDIAN RAILWAYS ACT, 1890.

8. A railway administration may, for the purpose of exercising the powers conferred upon it by this Act, alter the position of any pipe for the supply of gas, water or compressed air or the position of any electric wire or of any drain not being a main drain:

#### Provided that :-

- (a) when the railway administration desires to alter the position of any such pipe, wire or drain, it shall give reasonable notice of its intention to do so, and of the time at which it will begin to do so, to the local authority or company having control over the pipe, wire or drain, or when the pipe, wire or drain is not under the control of a local authority or company, to the person under whose control the pipe, wire or drain is;
- (b) a local authority, company or person receiving notice under proviso (a) may send a person to superintend the work, and the railway administration shall execute the work to the reasonable satisfaction of the person so sent, and shall make arrangements for continuing during the execution of the work the supply of gas, water, compressed air or electricity or the maintenance of the drainage, as the case may be.

12. If an owner or occupier of any land affected by a railway

Power of owner, occupier or local authority to cause additional accommodation works to be made

considers the works made under the last foregoing section to be insufficient for the commodious use of the land, or if the Local Government or a local authority desires to construct a public road or other work across, under or over a railway, he or it, as the case may be, may at any

time require the railway administration to make at his or its expense such further accommodation works as he or it thinks necessary and are agreed to by the railway administration or as, in case of difference of opinion, may be authorised by the Governor-General in Council.

14. (1) Where a railway administration has constructed a railway across a public road on the level, the Over and under-bridges. Governor-General in Council may at any time, if it appears to him necessary for the public

safety, require the railway administration, within such time as he thinks fit, to carry the road either under or over the railway by means of a bridge or arch, with convenient ascents and descents and other convenient approaches instead of crossing the road on the level or, to execute such other works as, in the circumstances of the case, may appear to the Governor-General in Council to be best adapted for removing or diminishing the danger arising from the level crossing.

(2) The Governor-General in Council may require as a condition of making a requisition under sub-section (1), that the local authority if any, which maintains the road, shall undertake to pay the whole of the cost to the railway administration of complying with the requisition or such portion of the cost as the Governor-General in Council thinks just.

#### APPENDIX T.

EXTRACTS FROM THE INDIAN ELECTRICITY ACT, 1910 AND THE INDIAN ELECTRICITY RULES, 1922.

### 1.—THE INDIAN ELECTRICITY ACT, 1910.

- 3. (2) In respect of every such license and the grant thereof the following provisions shall have effect, namely:—
  - (c) No application for a license under this part shall be made by any local authority except in pursuance of a resolution passed at a meeting of such authority held after one month's previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of such local authority are usually given.

Provisions where license of licensee, not being a local authority, is revoked.

- 5. Where the Local Government revokes, under section 4, sub-section (1), the license of a licensee not being a local authority, the following provisions shall have effect, namely:—
- (a) The Local Government shall serve a notice of the revocation upon the licensee, and, where the whole of the area of supply is included in the area for which a single local authority is constituted, upon that local authority also, and shall in the notice fix a date on which the revocation shall take effect; and on and with effect from that date all the powers and liabilities of the licensee under this Act shall absolutely cease and determine;
- (b) where a notice has been served on a local authority under clause (a), the local authority may, within three months after the service of the notice, and with the written consent of the Local Government, by notice in writing, require the licensee to sell, and thereupon the licensee shall sell, the undertaking to the local authority on payment of the value of all lands, buildings, works, materials and plant of the licensee suitable to, and used by him for the purposes of the undertaking, other than a generating station declared by the license not to form part of the undertaking for the purpose of purchase, such value to be, in case of difference or dispute, determined by arbitration:

Provided that the value of such lands, buildings, works, materials and plant shall be deemed to be their fair market-value at the time of purchase, due regard being had to the nature and condi-

tion for the time being of such lands, buildings, works, materials and plant, and to the state of repair thereof, and to the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same for the purposes of the undertaking, but without any addition in respect of compulsory purchase or of goodwill or of any profits which may be or might have been made from the undertaking, or of any similar considerations.

- 6. (1) Where the Local Government revokes the license of a local authority under section 4, sub-section (1), and any person is willing to purchase the undertaking, the Local Government may, if it thinks fit, require the local authority to sell, and thereupon the local authority shall sell, the undertaking to such person on such terms as the Local Government thinks just.
- (2) Where no purchase has been effected under sub-section (1), the licensee shall have the option of disposing of all lands, buildings, works, materials and plant belonging to the undertaking in such manner as he may think fit:

Provided that, if the licensee does not exercise such option within a period of six months from the date on which the same became exercisable, the Local Government may forthwith cause the works of the licensee in, under, over, along or across any street to be removed and every such street to be re-instated and recover the cost of such removal and reinstatement from the licensee.

(1) Where a license has been granted to any person not being a local authority, and the whole of the of under Purchase area of supply is included in the area for which taking. a single local authority is constituted, the local authority shall, on the expiration of such period, not exceeding fifty years, and of every such subsequent period, not exceeding twenty years, as shall be specified in this behalf in the license, have the option of purchasing the undertaking, and if the local authority, with the previous sanction of the Local Government, elects to purchase, the licensee shall sell the undertaking to the local authority on payment of the value of all lands, bulidings, works, material and plant of the licensee suitable to, and used by him for, the purposes of the undertaking, other than a generating station declared by the license not to form part of the undertaking for the purpose of purchase, such value to be, in case of difference or dispute, determined by arbitration:

Provided that the value of such lands, buildings, works, materials and plant shall be deemed to be their fair market-value at the time of purchase, due regard being had to the nature and condition for the time being of such lands, buildings, works, materials and plant, and to the state of repair thereof, and to the circumstance that they are in such a position as to be ready for immediate working,

and to the suitability of the same for the purposes of the undertaking:

Provided also that there shall be added to such value as aforesaid such percentage, if any, not exceeding twenty per centum on that value as may be specified in the license, on account of compulsory purchase.

- (3) Where a purchase has been effected under sub-section (1) or sub-section (2),—
  - (a) the undertaking shall vest in the purchasers free from any debts, mortgages or similar obligations of the licensee or attaching to the undertaking:
  - Provided that any such debts, mortgages or similar obligations shall attach to the purchase-money in substitution for the undertaking; and
  - (b) save as aforesaid, the license shall remain in full force and the purchaser shall be deemed to be the licensee, provided that where the Local Government elects to purchase under sub-section (2, the license shall after purchase, in so far as the Local Government is concerned, cease to have any further operation.
- (4) Not less than two years' notice in writing of any election to purchase under this section shall be served upon the licensee by the local authority or the Local Government, as the case may be.
- (5) Notwithstanding anything hereinbefore contained, a local authority may, with the previous sanction of the Local Government, waive its option to purchase and enter into an agreement with the licensee for the working by him of the undertaking until the expiration of the next subsequent period referred to in sub-section (1), upon such terms and conditions as may be stated in such agreement.
- 9. (1) The licensee shall not, at any time without the previous Licensee not to purchase or associate him acquire, by purchase or otherwise, the license or self with other licensed undertaking or transfer his undertakings. The undertaking of, or associate himself so far as the business of supplying energy is concerned with, any person supplying, or intending to supply, energy under any other license, and, before applying for such consent, the licensee shall give not less than one month's notice of the application to every local authority, both in the licensee's area of supply, and also in the area or district in which such other person supplies, or intends to supply energy;

Provided that nothing in this sub-section shall be construed to require the consent of the Local Government for this supply of energy by one licensee to another in accordance with the provisions of clause IX of the Schedule.

#### WORKS.

- Provision as to the opening and up of streets, and tramways.

  Provision as to the to the terms and conditions of his license, without the area of supply, or, when permitted by the terms of his license to lay down or place electric supply-lines without the area of supply, without that area—
  - (a) open and break up the soil and pavement of any street, railway or tramway;
  - (b) open and break up any sewer, drain or tunnel in or under any street, railway or tramway;
  - (c) lay down and place electric supply-lines and other works;
  - (d) repair, alter or remove the same; and
  - (e) do all other acts necessary for the due supply of energy.
- (2) Nothing contained in sub-section (1) shall be deemed to authorize or empower a licensee, without the consent of the local authority or of the owner and occupier concerned, as the case may be, to lay down or place any electric supply-line or other work in, through or against any building, or on, over or under any land not dedicated to public use whereon whereover or whereunder any electric supply-line or work has not already been lawfully laid down or placed by such license:

Provided that any support of an erial line or any stay or strut required for the sole purpose or securing in position any support of an erial line may be fixed on any building or land or, having been so fixed, may be altered, notwithstanding the objection of the owner or occupier of such building or land, if the District Magistrate or, in a Presidency town or Rangoon, the Commissioner of Police by order in writing so directs:

Provided, also, that, if at any time the owner or occupier of any building or land on which any such support, stay or strut has been fixed shows sufficient cause, the District Magistrate or, in a Presidency town or Rangoon, the Commissioner of Police may by order in writing direct any such support, stay or strut to be removed or altered.

(3) When making an order under sub-section (2) the District Magistrate or the Commissioner of Police as the case may be, shall

fix the amount of compensation or of annual rent, or of both which should in his opinion be paid by the licensee to the owner or occupier.

- (4) Every order made by a District Magistrate or a Commissioner of Police under sub-section (2) shall be subject to revision by the Local Government.
- (5) Nothing contained in sub-section (1) shall be deemed to authorize or empower any license to open or break up any street not repairable by the Government or a local authority or any railway or tramway, except such streets, railways or tramways (if any), or such parts thereof, as he is specially authorised to break up by his license without the written consent of the person by whom the street is repairable or of the person for the time being entitled to work the railway or tramway, unless with the written consent of the Local Government:

Provided that the Local Government shall not give any such consent as aforesaid, until the licensee has given notice, by advertisement or otherwise as the Local Government may direct, and within such period as the Local Government may fix in this behalf, to the person above referred to and until all representations or objections received in accordance with the notice have been considered by the Local Government.

- Notice of new works in relation to the execution of any works involves the placing of any works in, under, over, along or across any street part of a street, railway, tramway, canal or waterway, the following provisions shall have effect, namely:—
  - (a) not less than one month before commencing the execution of the works (not being a service line immediately attached or intended to be immediately attached, to a distributing main, or the repair, renewal or amendment of existing works of which the character or position is not to be altered, the licensee shall serve upon the person responsible for the repair of the street or part of a street (hereinafter in this section referred to as "the repairing authority") or upon the person for the time being entitled to work the railway, tramway, canal or waterway (hereinafter in this section referred to as "the owner,") as the case may be, a notice in writing describing the proposed works, together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and not in any case smaller than one inch to eight feet vertically and sixteen inches to the mile horizontally, and intimating the manner in which, and the time at which, it is proposed to interfere with or alter any existing works, and shall, upon being required to do so by the repairing authority

or owner, as the case may be, from time to time give such further information in relation thereto as may be desired;

- (b) if the repairing authority intimates to the licensee that it disapproves of such works, section or plant, or approves thereof subject to amendment, the licensee may, within one week of receiving such intimation, appeal to the Local Government, whose decision, after considering the reasons given by the repairing authority for its action shall be final;
- (c) if the repairing authority fails to give notice in writing of its approval or disapproval to the licensee within one month, it shall be deemed to have approved of the works, section and plan, and the licensee, after giving not less than forty-eight hours' notice in writing to the repairing authority, may proceed to carry out the works in accordance with the notice and the section and plan served under clause (a);
- (d) if the owner disapproves of such works, section or plan, or approves thereof subject to amendment, he may, within three weeks after the service of the notice under clause (a), serve a requisition upon the licensee demanding that any question in relation to the works or to compensation, or to the obligations of the owner to others in respect thereof, shall be determined by arbitration, and thereupon the matter shall, unless settled by agreement, be determined by arbitration;
  - (e) where no requisition has been served by the owner upon the licensee under clause (d), within the time named, the owner shall be deemed to have approved of the works, section and plan, and in that case, or where after a requisition for arbitration the matter has been determined by arbitration, the works may, upon payment or securing of compensation, be executed according to the notice and the section and plan, subject to such modifications as may have been determined by arbitration or agreed upon between the parties;
  - (f) where the works to be executed consists of the laying of any underground service line immediately attached, or intended to be immediately attached, to a distributing main, the licensee shall give to the repairing authority or the owner, as the case may be, not less than forty-eight hours' notice in writing of his intention to execute such works;
  - (g) where the works to be executed consist of the repair, re-

newal or amendment of existing works of which the character or position is not to be altered, the licensee shall, except in the cases of emergency, give to the repairing authority, or to the owner as the case may be, not less than forty-eight hours' notice in writing of his intention to execute such works, and on the expiry of such notice, such works shall be commenced forthwith and shall be carried on with all reasonable despatch, and, if possible, both by day and by night until completed.

- (2) Where the licensee makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason thereof, and where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.
- (3) Notwithstanding anything in this section, the licensee may, in case of emergency due to the breakdown of an underground electric supply-line, after giving notice in writing to the repairing authority or the owner, as the case may be, of his intention to do so place an ærial line without complying with the provisions of sub section 1):

Provided that such ærial line shall be used only until the defect in the underground electric supply-line can be made good, and in no case (unless with the written consent of the Local Government) for a period exceeding six weeks, and shall be removed as soon as may be after such defect is removed.

- 14. (1) Any licensee may alter the position of any pipe not Alteration of pipes or forming in a case where the licensee is not a wires. local authority, part of a local authority's main sewer), or of any wire under or over any place which he is authorized to open or break up, if such pipe or wire is likely to interfere with the exercise of his powers under this Act; and any person may alter the position of any electric supply-lines or works of a licensee under or over any such place as aforesaid, if such electric supply-lines or works are likely to interfere with the lawful exercise of any powers vested in him.
- (2) In any such case as aforesaid the following provisions shall, in the absence of an agreement to the contrary between the parties concerned, apply, namely:—
  - (a) not less than one month before commencing any alteration, the licensee or other person desiring to make the same (hereinafter in this section referred to as "the operator") shall serve upon the person for the time being entitled to the pipe, wire, electric supply-lines or works, as the case may be (hereinafter in this section referred to as "the owner"), a notice in writing, describing the proposed alteration, together with a section and plan thereof

on a scale sufficiently large to show clearly the details of the proposed works, and not in any case smaller than one inch to eight feet vertically and sixteen inches to the mile horizontally and intimating the time when it is to be commenced, and shall subsequently give such further information in relation thereto as the owner may desire;

- (b) within fourteen days after the service of the notice, section and plan upon the owner, the owner may serve upon the operator a requisition to the effect that any question arising upon the notice, section or plan shall be determined by arbitration, and thereupon the matter shall, unless settled by agreement, be determined by arbitration;
- (c) every arbitrator to whom a reference is made under clause (b) shall have regard to any duties or obligations which the owner is under, and may require the operator to execute any temporary or other works so as to avoid as far as possible interference therewith;
- (d) where no requisition is served upon the operator under clause (b) within the time named, or where such a requisition has been served and the matter has been settled by agreement or determined by arbitration, the alteration may, upon payment or securing of any compensation accepted or determined by arbitration, be executed in accordance with the notice, section and plan and subject to such modifications as may have been determined by arbitration or agreed upon between the parties;
- (e) the owner may, at any time before the operator is entitled to commence the alteration, serve upon the operator a statement in writing to the effect that he desires to execute the alteration himself and requires the operator to give such security for the repayment of any expenses as may be agreed upon or, in default of agreement, determined by arbitration;
- (f) where a statement is served upon the operator under clause (e), he shall, not less than forty-eight hours before the execution of the alteration is required to be commenced, furnish such security and serve upon the owner a notice in writing intimating the time when the alteration is required to be commenced, and the manner in which it is required to be made; and thereupon the owner may proceed to execute the alteration as required by the operator;
- (g) where the owner declines to comply, or does not, within the time and in the manner prescribed by a notice served

upon him under clause (f), comply with the notice, the operator may himself execute the alteration;

- (h) all expenses properly incurred by the owner in complying with a notice served upon him by the operator under clause (f) may be recovered by him from the operator.
- (3) Where the licensee or other person desiring to make the alteration makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason thereof and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

Laying of electric supply-lines or other works near sewers, pipes or other electric supplylines or works.

#### 15. (1) Where—

- (a) the licensee requires to dig or sink any trench for laying down any new electric supply-lines or other works, near to which any sewer, drain, water-course or work under the control of the Local Government or of any local authority, or any pipe, syphon, electric supply-line or other work belonging to any duly authorized person has been lawfully placed, or
- (b) any duly authorized person requires to dig or sink and trench for laying down or constructing any new pipes or other works, near to which any electric supply-lines or works of a licensee have been lawfully placed,

the licensee or such duly authorized person, as the case may be (here-inafter in this section referred to as "the operator"), shall, unless it is otherwise agreed upon between the parties interested or in case of sudden emergency, give to the Local Government or local authority, or to such duly authorized person, or to the licensee as the case may be (hereinafter in this section referred to as "the owner"), not less than forty-eight hours' notice in writing before commencing to dig or sink the trench, and the owner shall have the right to be present during the execution of the work, which shall be executed to the reasonable satisfaction of the owner.

- (2) Where the operator finds it necessary to undermine, but not to alter, the position of any pipe, electric supply-line or work, he shall support it in position during the execution of the work, and before completion shall provide a suitable and proper foundation for it where so undermined.
- (3) Where the operator (being the licenses) lays any electric supply-line across, or so as to be liable to touch, any pipes, lines or

service pipes or service lines belonging to any duly authorized person or to any person supplying, transmitting or using energy under this Act, he shall not, except with the written consent of such person and in accordance with section 34, sub-section (1) lay his electric supply-lines so as to come into contact with any such pipes, lines or service pipes or service-lines.

- (4) Where the operator makes default in complying with any of the provisions of this section, he shall make full compensation for any loss or damage incurred by reason thereof.
- (5) Where any difference or dispute arises in this section, the matter shall be determined by arbitration.
- (6) Where the licensee is a local authority, the references in this section to the local authority and to sewers, drains, water-courses or works under its control shall not apply.
- 28. (1) No person, other than a licensee, shall engage in the business of supplying energy except with the previous sanction of the Local Government and in accordance with such conditions as the Local Government may fix in this behalf and any agreement to the contrary shall be void:

Provided that such sanction shall not be given in any case unless the Local Government considers that, having regard to the extent of the proposed supply and the other circumstances of the case, the obtaining of a license under Part II would be attended with undue expense or delay:

Provided also that such sanction shall not be given within the area for which a local authority is constituted without that local authority's consent, or within the area of supply of any licensee, without that licensee's consent unless the Local Government considers that consent has been unreasonably withheld.

- Power for non-licensees to break up streets.

  Power for non-licensees to break up streets.

  Power for non-licensees to break up streets.

  In the local authority may by order in writing, confer and impose upon any person, who has obtained the sanction of the Local Government under section 28 to engage in the business of supplying energy, all or any of the powers and liabilities of a licensee under sections 12 to 19, both inclusive, and the provisions of the said sections shall thereupon apply as if such person were a licensee under Part II.
- (2) A local authority, not being a licensee, shall, for the purpose of lighting any street, have the powers and be subject to the liabilities respectively conferred and imposed by sections 12 to 19, both inclusive, so far as applicable, as if it were a licensee under Part II,

- (3) In cases other than those for which provision is made by sub-section (1), the person responsible for the repair of any street may, by order in writing, confer and impose upon any person who proposes to transmit energy in such street all or any of the powers and liabilities of a licensee under sections 12 to 19 (both inclusive), in so far as the same relate to—
  - (a) opening or breaking up of the soil or pavement of such street, or
  - (b) laying down or placing electric supply-lines in, under, along or across such street, or
- (c) repairing, altering or removing such electric supply-lines, and thereupon the provisions of the said sections shall, so far as aforesaid apply to such person as if he were a licensee under Part II.
- (4) If no order is made within fourteen days after the receipt of an application for the same under sub-section (1) or sub-section (3), the order so applied for shall be deemed to have been refused, and every order and every refusal to make an order, under sub-section (1) or sub-section (3), shall be subject to revision by the Local Government.

#### The Indian Electricity Rules, 1922.

- 32. Preparation and submission of accounts—(1) Every licensee, unless exempted in accordance with section 11 of the Act, shall cause the accounts of his undertaking to be made up to the thirty-first day of December or the thirty-first day of March, at the option of such licensee or to such other date as the Local Government may approve.
- (2) Such licensee shall prepare and render an annual statement of his accounts in accordance with the provisions of the said section within a period of six months from such date as aforesaid, or such extended period as the Local Government may authorize after it is satisfied that the time allowed is insufficient owing to any cause not within the control of the licensee.
- (3) The accounts shall be made up as far as circumstances permit in one or other of the prescribed forms set out in Annexures IV and V to these rules according as the licensee is or is not a local authority and may, at the option of the licensee, be rendered either in British Indian or in British sterling currency:

Provided that the Local Government may, by special or general order, direct that the accounts of any undertaking shall be made up in any form it may direct in such order.

- 62. Height from ground and distance from buildings.—(1) No conductor of an arial line (not being a trolley-wire or a traction feeder on the same support as a trolley-wire) erected in, over, along or across, any street shall be at a less height from the ground than 20 feet.
- (2) No such conductor shall be accessible, either from the ground or from any building or structure whether permanent or temporary except by the aid of a ladder or other special appliance.
- (3) (a) If, at any time subsequent to the erection of an ærial line, any person proposes to erect a new building or structure, whether permanent or temporary, or to make in or upon any building or structure any permanent or temporary addition or alteration, he shall, if such building, structure, addition or alteration would render the ærial line accessible otherwise than by the aid of a ladder or other special appliance, give notice in writing of his intention to the licensee or owner, as the case may be, and to the Electric Inspector and shall furnish therewith a scale drawing showing the proposed building, structure, addition or alteration and the scaffolding required during its construction, and shall not commence work upon the building, structure, addition or alteration until the Electric Inspector has certified that neither during nor after the execution of the work will the ærial line be so accessible.
- (b) On receipt of such notice the licensee or owner, as the case may be, shall, without undue delay, so alter the erial line as to ensure that it will not be accessible, in such a manner as to contravene the provisions of sub-rule (2), either during or after the execution of the work, and may recover the reasonable cost of such alteration from the person from whom the notice was received:

Provided that the licensee or owner, as the case may be, may before so altering the ærial line, require the person from whom the notice was received to deposit the estimated cost of such alteration:

Provided further that an Electric Inspector may, if he is satisfied that the ærial line has been so guarded as to secure the protection of persons and property from injury or risk of injury, permit the work to be executed prior to, or, in the case of a temporary addition or alteration without the alteration of the aerial line.

(4) Where such an ærial line is on a consumer's or an owner's premises, the height from the ground shall be not less than 15 feet.

#### ANNEXURE IV.

Model Form of Accounts prescribed under the Indian Electricity Act, 1910, for local authorities.

(See Sect	tion 11 of the Act	and ru	le 32 (3) of t	he Rules.)	
		E	ECTRIC	LICENSE.	
The		*	$*Enter \ author)$	designation	r of local
	Year ending	31st <u>De</u> 31st N	cember 19 .		

1. Statement as to loans authorized for the purposes of the undertaking referred to in the above-mentioned license prior to the end of the year for which accounts are made up.

Amounts sanctioned and nature of loan.  At the tree of loan.  Total  Total			Amount B	ORROWED	).	ALL DESCRIPTION OF THE PROPERTY OF THE PROPERT	AMOUNT	REPAID.	
	Amounts sanctioned and nature of loan.	At per cent.	At per cent.	At per cent.	Total.	At per cent.		At per cent.	Total.
	7.11(								

### LOCAL AUTHORITIES ACCOUNTS.

## No. II.—Capital Account.

	dn ore-	විග	ıre	[		O S	as	0
	Expenditure up to end of previous year.	Expended during the year	Total expenditure to		Market production of Passan	Receipts up to end of previous year.	Received during the year.	Total receipts to
1. To preliminary expenses (to be specified).	The state of the s		The state of the s		By amount raised by loans.	The control of the co		
<ol> <li>To lands including law charges inci- dental to acquisition.</li> <li>To value of lands ap-</li> </ol>				2.	By value of lands belonging to authority appro- priated for Elec- trical purposes.			
propriated for electrical purposes, as per contra.				3.	By value of surplus lands sold.			
4. To buildings				4.	By other receipts			
5. To plant					(to be specified).			
6. To mains								
7. To transformers, etc.								
8. To meters and fees for certifying under the Act.		Martin William and the control of th				Common recognition of the common control of the contro	-	
9. To general stores								
<ol> <li>To transfer to sink- ing fund of value of lands sold, as per contra.</li> </ol>								
<ol> <li>To amount applied to the reduction of principal of bor- rowed money from value of (2), lands sold as per contra.</li> </ol>								
12. To special items (to be specified).								
13. Total expenditure								-
To balance of Capital Account.								

### LOCAL AUTHORITIES ACCOUNTS.

Dr.

No. III.—Revenue Account.
For the year ending \$\frac{31st}{31st}\$ December, \$\frac{19}{19}\$.

Cr.

	·	0100 10		
A.—Generation.  1. To fuel 2. To oil, waste, water and engine room stores. 3. To proportion of salaries of engineers, superintendents and officers. 4. To wages and gratuities 5. To repairs and maintenance as follows:—Buildings To special items (to be specified). 6. To other items (to be specified). 7. To proportion of salaries of engineers, superintendent and officers. 7. To wages and gratuities 7. To wages and gratuities 7. To repairs, maintenance and renewals of mains. 7. To repairs, maintenance and renewals of mains. 7. To repairs, maintenance and renewals of maters, switches, cut-outs and other apparatus on consumer's premises. 7. To attendance and repairs 7. To renewals, etc 7. To renewals, etc 7. To rents payable 7. To rates and taxes			<ol> <li>By balance from last account.</li> <li>Less bad debts written off.</li> <li>By sale of energy for lighting purposes.</li> <li>By sale of energy for power purposes.</li> <li>By sale of energy under special contracts.</li> <li>By public lighting.</li> <li>By rental of meters and other apparatus on consumer's premises.</li> <li>By rents receivable.</li> <li>By service connections.</li> <li>By miscellaneous receipts from consumers.</li> <li>Ey other items (to be specified).</li> </ol>	
E.—Management expenses.  1. To salaries, viz.— Engineers' Department Clerical Department  2. To general establishment charges. F.—Law charges. To law expenses				
G.—Special charges.  1. To cost of service connections.  2. To other items to be specified.  Total expenditure Amount carried to net revenue account. Balance carried to next ac-				
count to provide for bad debts.			The state of the s	

### LOCAL AUTHORITIES ACCOUNTS. No. IV.—Net Revenue Account.

D	<b>r.</b>	***		o speciments or			Cr.
D: 1. 2. 3. 4. 5. 6.	To interest on mo accrued due to date To instalments of money borrowed.  To amount transfer fund where such frised. To payments to where such is auth To sum applied to To income tax paid	princip red to s and is a reserve torised.	inking authorfund	•	1. By the from late count. 2. By the brought revenue (No. III 3. By it on mondeposit.	ast ac- palance from account ). nterest	Cr.
	To balance carri	ed forw	ard		,		,
	T	otal.	•••		Total	•••	No. opening and the
Dı		7.—Sir	nking	Fund A	Account.		Cr.
1.	To amount paid for purchase of (nature	Stock.			balance ght from	Stock.	
2.	of investment to be specified.) To stock sold during period of account.			last 2. By	account.  a m o u n t ght from revenue		
	To amount of principal of borrow-ed money repaid.  To amount of balance to next account.			4. By lands from	interest on stments.  value of stransferred account II. amount re-		
				alize of st	d by sale ock (nature ock to be fied. stock pured.		
	Total				Total		

### LOCAL AUTHORITIES ACCOUNTS.

### No. VI.—Reserve Fund Account.

	Stock.			Stock.
1. To amount paid for purchase of (nature of invest- ment to be speci- fied.)		1	I. By balance brought from last account.	
<ol> <li>To stock sold</li> <li>To sum transferred to revenue account.</li> <li>To amount of balance to next</li> </ol>	1 1		<ol> <li>By amount transferred from net revenue account.</li> <li>By stock purchased.</li> <li>By amount realized by sale or took (nature</li> </ol>	
account.			stock (nature of stock to be specified.)	
Total	3777 (		Total	
Dr.	V11U	enera	l Balance Sheet.	
Liabilities.			Assets.	
1. To Capital account Amount receive account No. II.	ed as per		1. By Capital accordance Amount experience works as per No. II.	ded for
<ol> <li>To sundry credit</li> <li>To net revenue a         Balance at credit</li> <li>To sinking fund</li> <li>To reserve fund</li> <li>To other items specified)</li> </ol>	account account		2. By stores on har 3. By sundry deb current supplied of the year. 4. By other debtor 5. By securities (cost price). 6. By other items specified). 7. By cash with tr 8. By cash in hand	tors for to end es as held (to be easurer

LOCAL AUTHORITIES ACCOUNTS.

	etc.
,	sold,
•	generated,
	Energy
	of
	tatement
	No. V

Vlqq olli:	ns mumixaM   demanded in la sttsv	14	
'pə[[	Plant insta killowatts.	13	
stts.	Total killow	12	
sien	Total consur	111	
-toer oild	Killowatts conn ed for pu   lamps.	10	
bətn	Total killov hours account for.	6	
	Killowatt hours	80	
smo	M thewolliX salow no besu	2	
	.lstoT	9	
KILLOWATT HOURS SOLD.	Consumers by meter for power purposes.	ಒ	
пт Ноп	Consumers by meter for light-ing purposes.	4	
KILLOWA	By special con- tract.*	3	
	Public lamps.	23	
	Potal energy generated in killowatt		

\*Where the undertaking supplies power to tramways the units sold to the tramway should be treated as sold by "special contract." In calculating the "total killowatts connected" the killowatts connected exclusive of the tramway should first be ascertained; then the killowatts connected to the tramway system should be assumed to bear the same ratio to the units used on the tramway as the remaining killowatt connected bear to their consumption.

### APPENDIX U.

# THE PUNJAB PURE FOOD ACT, 1929.

An Act to make better provision for the control of the preparation and sale of food in the Punjab.

Whereas it is expedient to make better provision in the Punjab for the control of the preparation and sale of food, and whereas the previous sanction of the Governor-General under section 80-A (3) of the Government of India Act has been obtained; it is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Puncommencement.

(2) It shall extend only to such areas in the Punjab as the Local Government may by notification direct.

In extending the Act the Local Government may extend it in respect of any specified article of food, or generally in respect of all articles of food.

(3) It shall come into force in each area to which it is extended on such date as the Local Government may by notification appoint in this behalf.

Repeal of the Punjab 2. The Punjab Adulteration of Food Act, Adulteration of Food 1919, is hereby repealed. Act, 1919.

Definitions.

- 3. In this Act unless there is anything repugnant in the subject or context—
- (a) "Banaspatine" means any article of food, whether mixed with ghi or not, which resembles ghi but is derived from vegetable fat and contains no animal fat other than milk fat.
- (b) "Charbini" means any article of food, whether mixed with ghi or not which resembles ghi or banaspatine, but contains animal fat other than milk fat.
- (c) "Food" includes every article used for food or drink by man other than a drug and any article which enters into the composition or is used in the preparation of any

such article and also includes flavouring and colouring matters and condiments.

- (d) "Inspector" means an Inspector appointed under the provisions of section 6.
- (e) "Package" includes every article in which goods for carriage or for sale are cased, covered, enclosed, contained or packed.
- (f) "Prescribed" means prescribed by rules made under this Act.
- (g) "Public Analyst" means an analyst appointed under the provisions of section 5.
- (h) "Sale" means a transfer of ownership in exchange for a price paid or promised or part paid or part promised, and includes barter, or offering or attempting to sell or receiving for sale, or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or allowing to be sold, offered, or exposed for sale, and refers only to sale for human consumption or use.

Meaning of adultera4. For the purposes of this Act any food shall be deemed to be adulterated—

- (i) if it contains or is mixed or diluted with any substance which diminishes in any manner its nutritive or other beneficial properties as compared with such food in a pure and normal state or which in any other manner operates or may operate to the prejudice or disadvantage of the purchaser or consumer;
- (ii) if any substance or ingredient has been extracted or omitted therefrom, and by reason of such extraction or omission the nutritive or other beneficial properties of the food as sold are less than those of the article in its pure and normal state, or the purchaser or consumer is or may be in any other manner prejudiced thereby;
- (iii) if it contains or is mixed or diluted with any substance of lower commercial value than such food in a pure and normal state;
  - (iv) if it does not comply with the standard prescribed by any rules made under this Act.
- 5. The Local Government may from time to time by notifica-Appointment of Public tion appoint persons to be Public Analysts for the purposes of this Act, for the whole or any part

of the province, in respect of all articles of food or any specified article of food, and may at any time by notification cancel any such appointment.

- 6. (1) The Director of Public Health may and any local Appointment of In- authority may, and, if so required by the Local spectors. Government, shall, from time to time, by order in writing, appoint persons to be Inspectors for the purposes of this Act, and may at any time by order in writing cancel any such appointment: provided that if such appointment was made by a local authority on the requirement of the Local Government such appointment shall not be cancelled except with the sancion of the Local Government.
- (2) An Inspector appointed by the Director of Public Health under the provisions of sub section (1) may exercise the powers and perform the functions of an Inspector under this Act throughout the province or in such area as the Director of Public Health may direct.
- (3) An Inspector appointed by a local authority under the provisions of sub-section (1) may exercise the powers and perform the functions of an Inpector under this Act throughout the area over which such local authority has jurisdiction or in such part of such area as the local authority may direct.
- (4) The Director of Public Health may exercise the powers and perform the functions of an Inspector under this Act throughout the province, and an Assistant Director of Public Health may exercise such powers and perform such functions throughout his circle.

### 7. (1) An Inspector may—

- (a) at such reasonable times as may be prescribed enter into General powers of In- and inspect any place ordinarily spectors. used for the sale of food where there is any food which he has reasonable ground for believing to be intended for sale;
- (b) inspect any food, found in any such place or in any other place to which the public has access which he has reasonable ground for believing to be intended for sale;
- (c) seize in such manner as may be prescribed any food, so found, which is or appears to be injurious to health; and
- (d) destroy in such manner as may be prescribed any food, so found, which is decayed or putrefied.
- (2) On seizing any food under clause (c) of sub-section (1) or taking possession of any food with a view to destroying it under clause (d) the Inspector shall immediately tender to the person from whom

he seizes or takes possession of such food a receipt in such form as may be prescribed.

- (3) Any person claiming anything seized under clause (c) of sub-section (1) may within such time as may be prescribed complain thereof to any magistrate of the first or second class having jurisdiction at the place of seizure who. after making such enquiry as he may deem necessary, may either confirm or disallow such seizure wholly or in part or may order the article to be restored.
- (4) If within such time as may be prescribed no complaint has been made, or if such seizure is confirmed, the article seized shall be confiscated, and shall be destroyed or otherwise disposed of so as to prevent its being used for human consumption.
- (5) Where the seizure of any food is made in the absence of the owner of the thing seized or of his agent the Inspector making the seizure shall forthwith give notice in writing of the seizure to any person whose name and address are attached to the thing seized or are otherwise known to the Inspector as the name and address of the owner of the thing seized, or of the agent of such owner:

Provided that such address is in the Punjab.

- (6) Any person who obstructs any Inspector in the exercise of his powers under this section shall, on conviction by a magistrate, be punishable with fine which may extend to five hundred rupees.
- 8. (1) On payment or tender to any person selling any food or Power to demand, making any food intended for sale or to his select and take samples. agent or servant, of the current market value of the sample hereinafter mentioned, any Inspector may at any place demand and select and take or obtain a sample of the said food for the purposes of analysis and may require the said person or his agent or servant to show and permit the inspection of the package in which such food is at the time kept, and to take therefrom the sample demanded: provided that where any food is kept for sale in an unopened package, no person shall be required by any Inspector to sell less than the whole contents of such package.
- (2) Any person who refuses to comply with any requisition under sub-section (1) shall, on conviction by a magistrate, be punishable with fine which may extend to five hundred rupees.
- 9. Any person may, on payment of the prescribed fee, together Any person may have sample analysed. with the cost of the sample, require any Inspector to purchase a sample of any food in accordance with the provisions of section 8 and to submit the same for analysis.
  - 10. (1) When it is intended to submit any sample for analysis, samples, how taken. the Inspector purchasing or otherwise procuring it shall, before or forthwith after procuring it,

inform the seller or his agent selling the article that he intends to have the same analysed by a Public Analyst, and shall thereupon divide the sample into three parts, and shall fasten up each such part as its nature permits and shall mark and seal the same and shall tender one of such parts to the seller or his agent, and shall subsequently deliver another of such parts to a Public Analyst and shall retain the third of such parts.

- (2) Delivery to a Public Analyst under sub-section (1) may be effected either personally or by registered post or by rail.
- 11. (1) The Public Analyst, to whom any food has been delivered under section 10 by any Inspector, shall in due course forward to such Inspector a certificate in the form prescribed in the Schedule, specifying the result of his analysis.
- (2) Where any method has been prescribed by rules made under this Act for the analysis of any food, every Public Analyst shall in his certificate of analysis declare that he has followed the prescribed method in his analysis.
- (3) A copy of such certificates may be obtained from the Public Analyst by the person from whom the article so analysed was purchased or obtained, on payment of a fee not exceeding two rupees.
- (4) No person shall display any such copy on his premises or use such copy as an advertisement, and any person so displaying or using it shall on conviction be punishable with a fine which may extend to one hundred rupees.
- (5) Any document purporting to be a certificate under the hand of a Public Analyst may be used as evidence of the facts therein stated in any enquiry, trial or other proceedings under this Act:

Provided that any court before which a case under this Act is pending, whether exercising original, appellate or revisional jurisdiction, may, at the request either of the accused or of the complainant or of its own motion, cause any food to be sent for analysis to the Chemical Examiner to Government, who shall thereupon analyse the same and report the result of such analysis to the said court. and the expenses of such analysis shall be paid by the accused or the complainant as the court may direct, and the provisions of sub-section (4) shall apply in respect of the report of the Chemical Examiner.

Onus of proof.

12. (1) In any prosecution under this Act the court may presume—

(a) that a person sold or intended to sell a food if such person sold or intended to sell for human consumption or use any article of which such food is a constituent;

- (b) that any food found in the possession of a person, who is in the habit of manufacturing a like food for sale, is in his possession for purposes of sale.
- (2) The purchase or sale of a sample of any food under the provisions of this Act for the purposes of analysis shall be deemed to be a purchase or sale of such food for human consumption or use. unless the seller proves that the bulk from which such sample was taken was not offered, exposed or intended for sale for human consumption or use.

Offences under the Act.

### 13. (1) No person shall—

- (a) sell any adulterated food unless he has complied with such rules as may be prescribed in this behalf:
- (b) sell any food containing or prepared with banaspatine or charbini unless he has complied with such rules as may be prescribed in this behalf:
- (c) sell any food in any package which bears or has attached thereto any false or misleading statement, word, brand, label, or mark purporting to indicate the nature, quality, strength, purity, composition, weight, origin, age or proportion of the article contained in the package or of any ingredient thereof:
- (d) sell any food containing any substance the addition of which is prohibited by rules made under this Act, or containing a greater proportion of any substance than is permitted by such rules:
- (e) sell any food under the name of 'ghi' or any equivalent term with or without the addition of any other word to such name unless such food is derived solely from milkfat:
- (f) sell any banaspatine or charbini on the same premises on which he sells 'ghi':
- (g) sell any food which is unfit for human consumption.
- (2) No person shall sell, whether wholesale or retail, or forward by any public conveyance any banaspatine or charbini unless—
  - (a) every package containing banaspatine or charbini whether open or closed bears the words "Banaspatine" or "Charbini", as the case may be, durably marked in English on the top, bottom and side thereof, the mark being on the package itself and not solely on a label, ticket or other thing attached thereto and in such other manner or language as may be prescribed:

- (b) there is attached to every package of banaspatine or charbini exposed for sale by retail in such manner as to be clearly visible to the purchaser a label marked "Banaspatine" or "Charbini", as the case may be, in red letters on a white ground in such language as may be prescribed.
- (3) No person selling banaspatine or charbini shall deliver to a customer a portion of banaspatine or charbini in any package unless the word "Banaspatine" or "Charbini", as the case may be, is printed on the outside of such package in red letters in such language, as may be prescribed.
- (4) No person selling banaspatine or charbini shall describe the substance being sold on any wrapper enclosing it or on any package containing it, or on any label attached to a parcel thereof, or in any advertisement or invoice thereof, by any name other than either "Banaspatine" or 'Charbini", as the case may be, or a name combining the word "Banaspatine" or "Charbini" as the case may be, with a fancy or other descriptive name approved by the Local Government and printed in type not larger than, and in the same colour as, the word "Banaspatine" or "Charbini", as the case may be.
- (5) Any person who sells any food in contravention of subsection (1) or (2) or who contravenes the provisions of sub-section (3) or (4) shall be punishable—
- (a) in the case of a first offence with a fine which may extend to Rs. 250; and
  - (b) in the case of second offence with a fine not exceeding Rs. 500; and
    - (c) in the case of a subsequent offence with a fine not exceeding Rs. 1,000 or if in the opinion of the court the offence was committed by the personal act, default or culpable negligence of the person accused and the court is of the opinion that a fine will not meet the circumstances of the case, with imprisonment of either description which may extend to six months or with both.
  - 14. (1) No place shall be used:—

Places used for certain purposes in connection with banaspatine or charbini, butter and ghi to be licensed. Penalties for pon-compliance.

- (a) for the manufacture or preparation of banaspatine or charbini:
- (b) for the business of a wholesale dealer in banasatine or charbini.

(c) as a butter or ghi factory, that is to say, premises in which by way of trade butter or ghi is blended, reworked or subjected to any other treatment, but not so as to convert it into any substance other than butter or ghi, as the case may be:

except under license to be granted in such manner as may be prescribed:

Provided that the Local Government may exempt from the operation of this section any premises or class of premises described in class (c).

- (2) No place shall be used as a butter or ghi factory if it forms part of, or communicates otherwise than by a public street or road with, any other place which is required to be licensed under clause (a) or clause (b) of sub-section (1).
- (3) (a) Any person who carries on, or abets the carrying on of, any manufacture, trade or business in any place described in subsection (1) which has not been duly licensed; and
- (b) any person who uses or abets the using of any premises as a butter or ghi factory in contravention of sub-section (2),

### shall be punishable-

- (a) in the case of a first offence with a fine which may extend to Rs. 250; and
- (b) in the case of second offence with a fine not exceeding Rs. 500; and
- (c) in the case of a subsequent offence with a fine not exceeding Rs. 1.000 or if in the opinion of the court the offence was committed by the personal act, default or culpable negligence of the person accused and the court is of the opinion that a fine will not meet the circumstances of the case with imprisonment of either description which may extend to six months or with both.
- Registers to be kept of banaspatine or charbini and every wholesale dealer in banaspatine or charbini shall keep a register in the prescribed form which shall be open at all reasonable times to the inspection of any Inspector.
  - (2) Any such manufacturer or wholesale dealer who—
    - (a) fails to keep such a register; or

- (b) refuses to produce the register when required to do so by an Inspector; or
- (c) fails to keep the register posted up to date; or
- (d) intentionally makes any entry in the register which is false in any particular; or
- (e) fraudulently omits to enter any particular which ought to be entered in the register:

### shall be punishable—

- (a) in the case of a first offence with a fine which may extend to Rs. 250; and
- (b) in the case of second offence with a fine not exceeding Rs. 500; and
- (c) in the case of a subsequent offence with a fine not exceeding Rs. 1.000 or if in the opinion of the court the offence was committed by the personal act, default or culpable negligence of the person accused and the court is of the opinion that a fine will not meet the circumstances of the case with imprisonment of either description which may extend to six months or with both.
- 16. For the purposes of this Act any person shall be deemed Sales by agent or to sell any food who sells the same either on servant. his own account or as the agent or servant of any other person.
- 17. In the case of any conviction under this Act the convictForfeiture of food ing magistrate may order that any food to
  upon conviction. which the conviction relates, and which has been
  found to be unfit for human consumption together with all packages
  or vessels containing the same, shall be confiscated and disposed of
  as the magistrate may direct.
- 18. When any person is convicted of an offence under this Expenses of analysis Act, the magistrate may order that all fees and to be paid by offenders other expenses incident to the analysis of any food in respect of which the conviction is made shall be paid by the person convicted in addition to the fine, if any, to which he may be sentenced, and the amount of such fees and expenses may be recovered as if it were a fine.
- 19. No prosecution under this Act shall be instituted except. Power to institute on the complaint of an Inspector authorized in prosecutions. this behalf by a general or special order of the Director of Public Health or of the local authority, which appointed such Inspector, as the case may be.

- 20. No magistrate of the third class shall take cognizance of Jurisdiction of third any offence under this Act unless empowered class magistrates excluded. by a general or special order in this behalf by the Local Government.
- 21. No suit shall be instituted against an Inspector in respect Suits against Inspector of any act purporting to be done in his official tors.

  capacity until the expiration of one month next after notice in writing has been delivered to him, or left at his office or place of abode stating the cause of action, name and place of abode of the intending plaintiff and plaint must contain a statement that such notice has been so delivered or left: provided that nothing in this section shall apply to any suit instituted under section 54 of the Specific Relief Act, 1877.
  - 22. (1) The Local Government may make rules after previous publication for the purpose of carrying into effect the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power the Local Government may make rules for all or any of the following purposes, namely:—
  - (a) regulating the qualifications of persons who may be appointed Public Analysts for the purposes of this Act:
  - (b) regulating the appointment and qualifications of persons to be appointed as Inspectors under this Act:
  - (c) prescribing the methods of analysis to be followed by Public Analysts for the analysis of any food:
  - (d) fixing the fees to be paid in respect of the analysis of any food by a Public Analyst:
  - (e) prescribing the conditions under which adulterated food may be sold, and, if such conditions requiring the posting of a notice, the form of such notice:
  - (f) prohibiting the addition of any substance or of more than a specified proportion of any substance to any food:
  - (g) prescribing the standard with which any food must comply if it is not to be deemed adulterated under the provisions of section 4:
  - (h) prohibiting any modes of manufacture, preparation or preservation of any food:
  - (i) securing the cleanliness and freedom from contamination

of any food in the course of its manufacture, preparation, storage, packing, carriage, delivery or exposure for sale, and securing the cleanliness of places, receptacles, packages, wrappings, appliances and vehicles used in such manufacture, preparation, storage, packing, carriage or delivery:

- (j) prescribing the mode of labelling food sold in packages:
- (k) prescribing the manner in which a license is to be granted under section 14;
- (1) prescribing the form, and the particulars to be entered in the register required by section 15.
- (3) In making any rules under sub-sections (1) and (2) the Local Government may direct that a breach of the provisions thereof shall be punishable—
  - (a) in the case of a first offence with a fine which may extend to Rs. 250; and
  - (b) in the case of second offence with a fine not exceeding Rs. 500; and
  - (c) in the case of a subsequent offence with a fine not exceeding Rs. 1,000 or if in the opinion of the court the offence was committed by the personal act, default or culpable negligence of the person accused and the court is of the opinion that a fine will not meet the circumstances of the case with imprisonment of either description which may extend to six months or with both.
- (4) Notwithstanding anything contained in any rule made under sub-section (1), it shall be lawful for any person, at any time within twelve months after the date of the notification of such rule, to sell any food the sale of which is otherwise lawful, if he proves that at the said date such food was part of the existing stock-in-trade in the Punjab of any person carrying on business there, and that since the said date no act has been done whereby the said food fails to conform to the requirements of the said rule.
- (5) Before making any rules under the provisions of this section, the Local Government shall, in addition to observing the procedure laid down in section 21 of the Punjab General Clauses Act, 1898, publish by notification a draft of the proposed rules for the information of persons likely to be affected thereby, at least thirty days before a meeting of the Punjab Legislative Council. The Local Government shall defer consideration of such rules until after the meeting of the Punjab Legislative Council next following the publication of the draft, in order to give any member of the Council an opportunity to introduce a motion for discussing the draft.

# SCHEDULE.

### FORM OF CERTIFICATE.

[Admissible as evidence under section 11 (5) of the Punjab Pure Food Act, 1929.]

*To		-CHE CHARLESTON	remanuscular desirante de la constante de la c	
	—, Public Anayst for	the-		do
hereby certify that	I received on the	—day	of	
19——from†——	by post , a packer	t said t	to contain	a sample
of for an	alysis (alleged; to have day of19	been	despatched	by him

- 2. The packet was sealed with———seals bearing the impression on the invoice hereunto attached, and the seals were opened in my presence and the contents of the packet were duly examined by me and remained under my immediate custody until the analysis was completed.
- 3. I have analysed the said sample and declare the result of my analysis to be as follows:—

Signed this——day of———19——

A.B.

at

# The Punjab Pure Food Rules, 1930.1

- Short title and compunity Punjab Pure Food Rules, 1930.
- (2) They shall come into force in any area to which the Act is extended on such date as the Local Government may by notification appoint in this behalf.

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context:—

(a) "Act" means the Punjab Pure Food Act, 1929;

post or railway the name of the sender.

Not to be filled up if the packet is delivered personally.

1. P. G. Notn. No. 19629, dated 17th June, 1930.

<sup>\*</sup>Here insert the name of the person submitting the article for analysis.

†Here insert the name of the person delivering the packet or if received by
post or railway the name of the sender.

- (b) The Punjab General Clauses Act, I of 1898, shall apply for the purpose of the interpretation on these rules in like manner as it applies for the purpose of interpretation of a Punjab Act.
- 3. The excess or deficiency in the constituents of the articles of food specified in the second column of the Standard of food.

  Schedule below shall be deemed to render such articles below the standard mentioned in sub-section (iv) of section 4 of the Act:

#### SCHEDULE.

400				
Serial No.	Article of food.	Description.	Excess in the constituents.	Deficiency in the constituents.
1	2	3	4	õ
1	Cows' milk	The normal, clean and fresh secretion obtained by completely milking the udder of the healthy cow	•••	Milk-fat less than 35 per cent and milk solids, not fat, less than eight per cent.
2	Buffaloes' milk	The normal, clean, and fresh secretion obtained by completely milking the udder of the healthy buffaloe.		Milk fat less than five per cent, and milk solids, not fat, less than nine per cent.
3	Mixed milk (cows' and buffaloes').	A mixture in any proportion of cows' and buffaloes' milk.	•••	Milk-fat less than 3.5 per cent, and lactose less than four per cent.
4	Ghee	The pure classified fat derived from the milk of cows or buffaloes.	More than 23 per cent of free fatty acid (oleic acid.)	value of not less than 40 and not more than 42.5 at 40°C. and a Reichert Wollny

- No. 19520.—Under the provisions of section 15 of the Co of Criminal Procedure, 1898, the Governor in Council is pleased to direct that any two of the undermentioned magistrates may sit together as a bench, and is pleased to invest any bench so formed with all the powers conferred by the said Code on a magistrate of the 2nd class, and to direct that any such Bench shall exercise its powers within the local limits of the Multan Cantonment:—
- (1) Seth Yusaf Ali, Proprietor of the firm of Messrs. Allibhoy Vallijee and Sons.
  - (2) Pandit Jiwan Lal, General Merchant.
- No. 19524.—Under the provisions of section 14 of the Code of Criminal Procedure, 1898, the Governor in Council is pleased to confer upon Khan Bahadur Sardar Hasan Khan, Gurchani, C.I.E., the powers of a magistrate of the 1st class, in regard to cases generally, to be exercised within the local limits of the Gurchani Tuman in the Dera Ghazi Khan district.

### The 18th June, 1930.

- No. 19688.—Under the provisions of section 14 of the Code of Criminal Procedure, 1898, the Governor in Council is pleased to confer upon Lala Jagan Nath the powers of a magistrate of the 2nd class, in regard to cases generally, to be exercised within the local limits of the Ferozepore district for a period of one year with effect from the date of this notification.
- No. 19707.—The Governor in Council is pleased to accept the resignation of Honorary Lieutenant Risaldar Major Yaqub Ali Khan of Kherri, of his appointment as a member of the Bench of Honorary Magistrates at Rohtak.
- No. 19708.—Under the provisions of section 1 (1) of the Code of Criminal Procedure, 1898, the powers of a magistrate of the 3rd class, conferred on Honorary Lieutenant Risaldar Major Yaqub Ali Khan of Kherri, by Punjab Government notification No. 20604-Judl., dated the 25th September, 1929, are hereby withdrawn.
- No. 197014.—Under the provisions of section 14 of the Code of Criminal Procedure, 1898, the Governor in Council is pleased to confer upon Mian Ahmad Yar Khan Daultana, M.L.C., of Luddan, the powers of a magistrate of the 3rd class, in regard to cases generally, to be exercised within the local limits of the Mailsi Tahsil of the Multan district.

### C. M. G. OGILVIE,

in All more

### EDUCATION.

The 12th June, 1930.

No. 3112.—In exercise of the powers vested in him under section 6 (2) (e) of the Indian Universities Act, 1904, the Chancellor of the Punjab University is pleased to nominate Major A. Wilson, B.A, P.S.O., M.C., Principal, Islamia College, Lahore, to be an Ordinary Fellow of the said University, vice Dr. M. Nazir Ahmad, M. Sc., Ph. D., resigned.

R. LAWRENCE, Major,
Private Secretary to His Excellency
the Governor of the Punjab.

### MEDICAL DEPARTMENT.

The 12th June, 1930.

No. 19216.—In exercise of the powers conferred by rules 5 and 44 of the Fundamental Rules and paragraph 4 (1) of the Civil Services (Governors' Provinces) Delegation Rules, 1926, the Punjab Government (Ministry of Local Self-Government), are pleased to make the following addition in the Recess Rules appearing in Appendix K to the Travelling Allowance Rules, Volume III of Punjab Financial Handbook No. 2.

In class A of Part I insert the following as Serial No. 18-A.:—

No.	Officers.	Period and conditions of recess.
18-A	Chemical Examiner to Government, Punjab, and two Assistant Surgeons on the laboratory staff.	The Chemical Examiner is allowed to remain at Murree and two of the Assistant Surgeons on the laboratory staff at the discretion of the Chemical Examiner are allowed to accompany him to Murree, subject to the following conditions:—
in the second se	del messos sous e l 132 de se	<ul> <li>(a) that the period of recess shall be four months,</li> <li>(b) that no extra expense is entailed on Government,</li> <li>(c) that suitable arrangements are made to carry on the work both at Lahore and Murree.</li> </ul>

FIROZ KHAN, NOON, Minister for Local Self-Government.

ALAN MITCHELL,
Secretary to Government,
Punjab, Transferred Departments.

Serial No.	Article of food.	Description.	Excess in the constituents.	Deficiency in the constituents
1	2	3	4	5
5	Butter	The substance known as 'butter' and made exclusively from the milk of cows or buffaloes.	More than 16 per cent, of water.	Less than 80 per cent of fat derived exclusively from the milk of cows or buffalses.
6	Khoa	Milk derived from cows or buffaloes the moisture from which has been partially removed by heat.	More than 10 per cent. of moisture.	Less than 20 per cent. of milk-fat.
7, 7, 10, 10, 10, 10, 10, 10, 10, 10, 10, 10	Atta	The coarse product obtained by milling and sieving wheat.	More than 13 per cent. of moisture and more than two per cent. of ash.	than eight per cent. of protein
8	Gur	The inspissated juice expressed from the sugarcane.	cent. or more of moisture and more than three percent. of solids insoluble in water.	Less than 80 per cent. of cane sugar.
9	Cane-Sugar	The refined product obtained from $gur$ .	4	

Serial No.	Article of food	Description.	Excess in the constituents.	Deficiency in the constituents.
1	2	3	4	5
	rea	The dried leaves and buds of various species of thea belonging to the genius Camellia.	More than eight per cent. of total ash determined on tea dried to a constant weight at 100°C.	portion of total ash soluble in boil- ing distilled water is less than 40 per cent, and when the extract obtained

Public Analyst.

- 4. No person shall be appointed to be a Public Analyst unless he—
- (a) holds a degree of Master of Science or Bachelor of Science of any British or Indian Statutory University, or
- (b) holds a medical degree of a British or Indian Statutory University together with a degree or diploma in public health registrable under the British Medical Acts or granted by a statutory Indian University, or
- (c) is able to produce evidence to the satisfaction of the Ministry of Local Self-Government that by reason of special training and experience he is competent to perform the duties of a Public Analyst in respect of all articles of food or any specified article of food.
- 5. (a) In any municipal area to which the provisions of the Act may from time to time be extended the Municipal Medical Officer of Health employed by the municipality shall ordinarily be appointed Inspector for the purposes of this Act.

(b) The appointment of persons other than Municipal Medical Officers of Health or District Medical Officers of Health to be Inspectors shall be subject to the previous approval of the Ministry of Local Self-Government.

Hours during which an Inspector may enter into and inspect places used for the sale of food. 6. The hours during which an Inspector may exercise the powers conferred on him by section 7 of the Act of inspection of any place ordinarily used for the sale of food shall be—

From April 16th to October 15th between 6 A. M. and 9 P. M.

From October 6th to April 15th between 7-30 A. M. and 9 P. M.

Manner in which an Inspector may seize food in jurious to health.

Manner in which an Inspector may seize food in jurious to health.

Which, in his opinion is or appears to be injurious to health, he shall, in the presence of two respectable inhabitants of the locality (provided their attendance can be secured) and or the occupant of the premises, forthwith cause the article or his agent and taken into his custody. An inventory of the article seized and of the receptacle or utensil in which it was kept shall be prepared and signed by the persons witnessing the seizure and the article seized or a sample thereof shall likewise be stealed in their presence.

- S. Any article of food, which in the opinion of the Inspector is decayed or putrefied, shall be destroyed with Manner in which decayed or putrefied fo.d may be destroyed. It or in such other manner as the Inspector may deem fit. Any such destruction shall be carried out, if practicable, in the presence of the owner of the article or his agent or the occupier of the premises on which the article was found and two respectable inhabitants of the locality (provided their attendance can be secured) who shall certify that the article was destroyed in their presence.
- 9. For every article of food seized or taken possession of by the Inspector a receipt in the form herein below shall be given by the Inspector to the person from whom the article was seized or taken.

  Every such receipt shall be prepared in duplicate, one copy being retained by the Inspector and the other handed over to the owner or agent of the article seized.

# Form

Gertified that	•		(a)	
has been seized from		<u> </u>	(b)	Annual Communication of the Co
as it is or appears to be inju	rious to health l and is liable	i. to immedia	te destruction.	
Date			Signature o	f Inspector.
Station		in the grant		
(a) here insert descri (b) here insert name	ption and qua and particular	ntity of fo	od. from whom seize	ed.
Time within which the person claiming the food seized may complain to the Mag strate. by sub-section (5) comption in the matter.	sub-section of sub-section in forty-eight 96 hours in	(1) of secon (3) of the hours any case	etion 7, may, the aforesaid seafter such seizu se where notic	for purposes ection with- ire, or within e is required
Bottling of samples of food.  ture.  12. All such b	placed in clube closed by tight to pre	ean dry means o vent leak rs shall	poses of anal bottles or jars f glass stoppe age, evaporati be sealed and	which shall rs sufficiently on or mois- labelled, if
Sealing and labelling of bottles of samples.  cle, the name of the verthe transmission of the sample and enclosing shall be forwarded to the sample and the	whom the label shall endor, the e sample. a clear imp	samples clearly in place of A letter poression o	have been to dicate the name collection and tiving full part f the seal used	caken. Each e of the arti- the date of iculars of the in packing
Quantity of food to be for analysis.  fied below:	plied for	analysis	antity of food to a Public a es not less than	Analyst shall
www.				
(a) Gur and can			4 oz. or two	chhatanks.
(b) tea		•••	2 oz. or one	chhatank.
(c) Milk			4 oz. or two	chhatanks.
(d) ghi, butter, charbini	khoa, banas 	patine, a	nd 2 oz. or one	chhatank.

Fees prescribed for analysis of food by a Public Analyst.

14. Fees for the analysis by a Public Analyst of samples of food under the Acteshall be levied in accordance with the following scales:-

		Rs.	
(a) for examination of atta,	gur, cane-suga	r and tea 10	þ
(b) for chemical examination	n of milk	16	; ;
(c) for analysis of ghi, butter charbini	er, <i>khoa</i> , bana	spatine and 30	)
(d) for analysis of other art			

Any person, who, under section 9, requires an Inspector to purchase a sample of food for the purpose of analysis shall pay, in addition to the above-mentioned scale of fees, a sum of two rupees: provided that the whole amount so paid shall be refunded if the analysis establishes that an offence under the Act has been committed.

Fee prescribed for obtaining a copy of certificate of the Public Analyst.

15. Any person from whom any article of food is purchased or obtained for purpose of analysis may obtain a copy of the certificate of the Public Analyst in respect of such article on payment of a fee of two rupees.

The fees prescribed in rules 14 and 15 shall be deposited in advance into the local treasury or, if the Fees, how to be paid. Public Analyst concerned is a salaried officer of a municipal committee, with the municipal treasurer, and the receipt of the Treasury Officer, or of the municipal treasurer as the case may be, shall be forwarded to the Public Analyst simultaneously with the sample of food sent for analysis or with the application for a copy of the certificate of analysis.

17. (No rules to be framed at present Methods of analysis to until some re suggested by experience.) be followed by a Public Analyst.

18. On every package containing adulterated food exposed for sale, whether open or closed, there shall be Mode of labelling adulexposed a label in the form set forth at the terated food sold in packend of this rule.

Every such label shall contain the name of the food and the name and the maximum amount of adulterant present therein in black letters on a white ground in such manner a: to be clearly visible to the purchaser and shall measure at least 4 inches by 4 inches.

### FORM OF LABEL.

This(a	contains an admixture of n	not more
than———( $b$ ) per cent	of(c).	

(a) here insert the name of the food.

(b) here insert the maximum amount of adulterant which may be present,

(c) here insert the name of the adulterant.

Language of labels of adulterated food.

19. The language used in such label shall be Urdu, Hindi, Gurmukhi or English:

Provided that, if the municipal, small town or notified area committee or the district board exercising jurisdiction in the area in which such label is displayed decides by resolution passed at an ordinary meeting that the language used shall be any one or any two or more of the said languages, such language or languages shall be used.

Vendor to supply information orally if purchaser is unable to read label of adulterated food.

20. Unless the vendor of an adulterated article of food knows or has reason to believe that the purchaser is able to read and understand the label, he shall give to the purchaser the information contained in the label by word of mouth, at the time of purchase.

Conditions under ing an adulterated article of food shall specifiwhich adulterated food cally describe such food as adulterated and shall may be sold.

also specify the nature and extent of the adulteration made. No such advertisement or price or trade list shall contain any words or description implying that the food is not adulterated.

Prohibition of addition of any substance or of more than a specified proportion thereof to any food.

- 22. (No rules to be framed at present until some are suggested by experience).
- Notice to be displayed at premises where banaspatine or charbini or food containing or adulterated with banaspatine or charbini is sold.

  23. Every person selling banaspatine or charbini or any food containing or prepared with banaspatine or charbini shall display in a conspicuous position on the premises in which he sells such banaspatine or charbini is sold. showing that banaspatine or charbini or food containing or prepared with banaspatine or charbini, as the case may be, is being sold therein.

24. Every package containing banaspatine or charbini exposed

Mode of marking at packages containing banaspatine or charbini.

or transported for sale shall bear the words "banaspatine" or "charbini," as the case may be, distinctly marked in English and in Urdu, Hindi or Gurmukhi on the tep, bottom and sides of the package itself.

25. Every package of banaspatine or charbini exposed for Mode of labelling banaspatine or charbini sale by retail shall have attached thereto in such manner as to be clearly visible to the purchaser, a label measuring at least 4 inches by 4 inches marked "banaspatine" or "charbini", as the case may be, in red letters on a white ground in Urdu, Hindi Gurmukhi or English:

Provided that if the municipal, small town, or notified area committee or the dtstrict board exercising jurisdiction in the area in which such label is displayed decides by resolution passed at an ordinary meeting that the language used shall be any one or any two or more of the said languages, such language or languages shall be used.

Languages in which the words 'Banaspatine' or 'Charbini' should be printed on packages.

May be, is clearly printed on the outside of such package in Urdu, Hindi Gurmukhi or English:

Provided that if the municipal, small town, or notified area committee or the district board exercising jurisdiction in the area in which such banaspatine or charbini is sold, decides by resolution passed at an ordinary meeting that the language used shall be any one or any two or more of the said languages, such language or languages shall be used.

Conditions under ing an article of food containing or prepared which banaspatine or charbini may be sold. describe such food as banaspatine or charbini as the case may be. No such advertisement or price or trade list shall contain any words or description imply that the food is otherwise than banaspatine or charbini.

Manner of granting 28. (1) Every license for a place to be licenses under section 14. used—

- (a) for the manufacture or preparation of banaspatine or charbini, or
- (b) for the business of a wholesale dealer in banaspatine or charbini, or
- (c) as a butter or ghi factory,

shall be granted by the Director of Public Health on the recommendation of the District Medical Officer of Health of the District concerned.

Municipal Medical Officer of Health Municipality

- (2) No person shall use any place other than a place licensed in this behalf for any of the aforesaid purposes.
- (3) No place shall be licensed for any of the aforesaid purposes—
  - (a) unless it has a floor made of stone, brick with cement pointing or other impervious material;
  - (b) unless the walls thereof are properly plastered and limewashed;
  - (c) unless it is provided with adequate light and ventilation to the satisfaction of the  $\frac{\text{District}}{\text{Municipal}} \frac{\text{Medical Officer of Health}}{\text{Municipality}}$  concerned;
  - (d) unless it is provided with a drain and the whole floor is so sloped as to allow all liquids to flow off by the drain;
  - (e) if there is any direct communication between the place and any room used as a sleeping room;
  - (f) if there is any latrine, cess-pool, cow-shed, stable or other in sanitary place, within one hundred feet of the place licensed which, in the opinion of the District Medical Officer of Health renders it undesirable that such place should be used for any such purpose;
  - (g) unless it has a proper outlet for smoke, if fire is lit therein:

Provided that conditions (a), (d) and (e) shall not apply to any place used for the business of a wholesale dealer in banaspatine or charbini.

- (4) Subject to the provisions of sub-rule (3), any such license should be issued by the Director of Public Health in Form A appended to these rules on the application of the owner or occupier of such place on payment of a fee of \_\_\_\_\_\_\_\_, and shall be granted subject to the conditions specified in form A as the conditions subject to which the license is granted.
- (5) License issued in accordance with sub-rule (4) shall terminate on the 31st March immediately succeeding the date of issue.
- (6) Any licensee who commits or abets the commitment of a breach of this rule or of any of the conditions of his license shall, in addition to the penalty provided for the offence under section 14, be liable to have his license revoked.

### Form A.

License for a place to be used for the manufacture or preparation of banaspatine or charbini, or for the business of a wholesale dealer in banaspatine or charbini or as a butter or ghi factory (Section 14 of the Act).

The place of which a description is given in the attached schedule situated in

(name of street, ward, etc.) is hereby licensed for the manufacture or preparation of banaspatine or charbini.

the business of a wholesale dealer in banaspatine or charbini.

a butter or ghi factory.

The license is granted to the occupier of the said place subject to the following conditions:—

(a) That he shall keep the licensed place structurally fit for the purpose for which the license is granted;

Explanation: - "Structural fitness" shall be deemed to include-

- (i) the existence of a floor made of stone, brick with cement pointing or other impervious material,
- (ii) possession of walls properly plastered and lime-washed,
- (iii) adequate provision of light and ventilation,
- (iv) suitable drains,
- (v) non-existence of any direct communication between the place and any room used as a sleeping room,
- (vi) non-existence of any latrine, cess-pool, cow-shed, stable or other insanitary place within one hundred feet of the place licensed,
- (vii) proper outlet for smoke;
- (b) that he shall not employ or permit to be employed in the manufacture or preparation of banaspatine or charbini the wholesale business of banaspatine or charbini any perturbe butter or ghi factory

  son suffering from any contagious or infectious disease, or from loathsome sores, or who to his knowledge has recently been attending on any person so suffering, and that he shall not suffer any such person or any animal to enter or remain upon the licensed place;
- (c) that he shall keep all vessels, recept acles, utensils and other thing manufacture or preparation of banaspatine or charbini used in the tewholesale business of banaspatine or charbini burter or ghi factory.

in a state of cleanliness and shall protect from dust and flies manufacture or preparation

all materials used in such business and the factory

articles manufactured or prepared to the satisfaction of the District Medical Officer of Health.

Municipal Medical Officer of Health,

- (d) that he shall daily cause to be thoroughly washed and cleansed the floor and drain of the licensed place and every bench, counter-table, shelf or other place on which the article manufactured or prepared and any material used in such manufacture or preparation are kept;
- (e) that he shall cause the walls of the licensed place to be properly lime-washed at least twice a year, and more often if so required by the District Medical Officer of Health;
- (f) that he shall not carry on or permit to be carried on in the licensed place any trade or occupation, other than the manufacture or preparation of banaspatine or charbini the business of a wholesale dealer in banaspatine or charbini, its use as a butter or ghi factory

and that he shall not use or suffer to be used any portion of the licensed place as a living room or sleeping room;

- (y) that he shall comply with the orders issued by the District Medical Officer of Health Municipal Medical Officer of Health tary condition of the licensed place;
- (h) that he shall not use for keeping any liquid or wet articles any soiled papers;
- (i) that he shall not keep or suffer to be kept in the licensed place any bedding, soiled clothes or any offensive or unwholesome article.
- (j) that he shall not use or permit to be used in such manufacture or preparation any water except water obtained from a source and conveyed to the licensed place in a manner approved by the District Medical Officer of Health.

  Municipal Medical Officer of Health.

### SCHEDULE.

(The actual room or rooms in which the manufacture or preparation of the specified article or foot is to be carried on should be described in cases where the whole of building is not to be used for such manufacture or preparation), 29. Every person who used any place for the manufacture or Form of register to be kept by dealers in banaspatine or charbini wholesale dealer in banaspatine or charbini shall maintain a register in the Form herein below:—

### FORM OF REGISTER.

No.	Date.	PLACE OF MAN	FROM THE	Desimation o		Remarks.
Serial		Banaspatine.	Charbini.	Banaspatine.	Charbini.	
		 :				

Prohibition of any modes of manufacture or preparation of any food.

30. (No rules to be framed at present until some are suggested by experience).

Penalty for breach of rules.

- 31. Whoever commits a breach of the provisions of these rules shall be punishable—
- (a) in the case of a first offence with a fine which may extend to two hundred and fifty rupees, and
  - (b) in the case of a second offence with a fine not exceeding five hundred rupees; and
  - (c) in the case of a subsequent offence with a fine not exceeding one thousand rupees, or, if in the opinion of the court the offence was committed by the personal act, default or culpable negligence of the person accused and the court is of opinion that a fine will not meet the circumstances of the case, with imprisonment of either description which may extend to six months, or with both.

### APPENDIX V.

EXTRACTS FROM THE INDIAN INCOME-TAX ACT, 1922, AND THE RULES MADE THEREUNDER.

# I.—The Indian Income-tax, 1922.

Section 2 (12).—"Principal officer" used with reference to a local authority... ...... means—

- (a) the secretary, treasurer, manager or agent of the authority ......., or
- (b) any person connected with the authority... upon whom the Income tax Officer has served a notice of his intention of treating him as the principal officer thereof.

Section 4 (3).—This Act shall not apply to the following classes of income:—

- (iii). The income of local authorities
- (iv) Interest on securities which are held by, or are the property of, any Provident Fund to which the Provident Funds Act, 1897, applies.

Section 7 (1).—The tax shall be payable by an assessee under the head "salaries" in respect of any salary or wages, any annuity, pension or gratuity, and any fees, commissions, perquisites or profits received by him in lieu of, or in addition to, any salary or wages which are paid by or on behalf of Government, a local authority

Section 18 (1).—Income-tax shall, ......., be deducted at the time of payment in respect of income chargeable under the following heads:—

(i) "Salaries;" and

lostala o o el elle o .

- (ii) "Interest on securities."
- (2) Any person responsible for paying any income chargeable under the head "salaries" shall at the time of payment deduct incometax on the amount payable at the rate applicable to the estimated income of the assessee under this head: provided that such person may, at the time of making any deduction, increase or reduce the amount to be deducted under this sub-section for the purpose of

adjusting any excess or deficiency arising out of any previous deduction or failure to deduct.

- (6) All sums deducted in accordance with the provisions of this section shall be paid within the prescribed time by the person making the deduction to the credit of the Government of India or as the Central Board of Revenue directs.
- (7) If any such person does not deduct and pay the tax as required by this section, he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

- (b) the amount of the income so received by each such person, and the time or times at which the same was paid;
- (c) the amount deducted in respect of income-tax from each such person.

Section 46 (5).—If any assessee is in receipt of any income chargeable under the head "salaries," the Income-tax Officer may require any person paying the same to deduct from any payment subsequent to the date of such requisition any arrears due from such assessee and such person shall comply with any such requisition and shall pay the sums so deducted to the credit of the Government of India or as the Central Board of Revenue directs.

(6) The Local Government may direct, with respect to any specified area, that income tax shall be recovered therein, with, and as an addition to, any municipal tax...by the same person and in the same manner as the municipal tax.....is recovered.

Section 51.—If a person fails without reasonable cause or excuse—

(a) to deduct and pay any tax as required by section 18 or under sub-section (5) of section 46;

(b) to furnish in due time any of the returns mentioned in section 21.......

he shall, on conviction before a Magistrate, be punishable with fine which may extend to ten rupees for every day during which the default continues.

Section 65.—Every person deducting, retaining or paying any tax in pursuance of this Act in respect of income belonging to another person is hereby indemnified for the deduction, retention or payment thereof.

# II.—The Indian Income-tax Rules, 1922.

- 11. In the case of income chargeable under the head "Salaries," where deduction is not made by or on behalf of Government, the person paying the salary shall pay to the cicdit of the Government of India by remitting the amount to the Income-tax Officer concerned or to such officer as he may direct and shall send therewith a state ment showing the name of the employê from whose salary the taxhas been deducted, the period for which the salary has been paid, the gross amount of the salary, the deduction for a provident fund or insurance premia, and the amount of tax deducted.
- 16. The minimum income under the head "Salaries" referred to in section 21 (a) shall be Rs. 2,000 per annum.

Date-

17. The return to be delivered to the Income-tax Officer under section 21 of the Act shall be in the following form:—

	Serial number.	de contrate de la contrate del contrate del la contrate del contrate de la contrate del la contrate de la contrate del la contrate de la contrate del la
	c   Name of person	
	ω   Postal address of residence.	of residence.
And a proper of the Contract o	Appointment or nature of	r nature of employ-
	+ ment.	go - Appalate mendi familiar (Francisco d'America (Francisco) de Mandelle Mandelle (Francisco) de Mandelle Mandelle (Francisco d'America (Francisco)) de Mandelle Mandelle (Francisco) de Mandelle (Fr
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### APPENDIX W.

## THE PUNJAB PRIMARY EDUCATION ACT, 1919.

Whereas it is expedient to make provision in the Punjab for the compulsory attendance of boys at primary schools, it is bereby enacted as follows:—

### PART I.

Title, commencement and extent 1. (1) This Act may be called the Punjab Primary Education Act, 1919.

(2) It shall come into force on such date as may be notified in this behalf by the Local Government.

Note.—No date was notified by the Local Government under this sub-section but the Act was used from 1920 to 1925 before this omission was detected and it was found necessary to legalize the application of the Act by special legislation. The Punjab Primary Education (Enforcement) Act, 1926 was accordingly passed and assented to by the Governor on the 20th January 1926 and by the Governor-General on the 12th February, 1926. (Vide P. G. Leg. Dept. Notn. No. 64, dated 17th February, 1926). The substantial section of this Act is section 2, viz.—"2. Notwithstanding the provisions of sub-section (2) of section 1 thereof, the Punjab Primary Education Act, 1919 shall be deemed to have come into force on the first day of May, 1919."

(3) Part I of this Act shall extend to the whole of the Punjab. Part II of this Act shall extend only to those local areas to which it may be applied in accordance with the provisions of Part I.

Definitions.

- 2. In this Act, unless there is something repugnant in the subject or context,—
- "parent" includes the guardian and every person who is liable to maintain or has the actual custody of any boy;
- "Education Department" means the department in charge of Education under the Local Government of the Punjab;
- "local authority" means a District Board, Municipal Committee, Cantonment Committee or a committee of a Small Town or Notified Area;

- "Recognised School for primary education" means a school or department of a school recognised by the Education Department, and imparting instruction in the course prescribed for primary schools by the Education Department;
- "School Attendance Committee" means a committee appointed under section 16 of this Act
- 3. (1) Any local authority may resolve, by a majority of two-thirds of the members present at a meeting Procedure for extending provisions of Part I. specially convened for the purpose, to propose that part II of this Act shall be applied to the whole or any part of the area within the local limits of its authority.
- (2) When a resolution has been passed under sub-section (1) the local authority shall publish it locally, and any person likely to be affected thereby and objecting thereto may, within thirty days from the publication of the resolution, send his objection in writing to the local authority; and the latter shall at a meeting convened for that purpose take his objection into consideration.
- (3) If no objection is sent within the said period of thirty days, or if the objections received having been considered are deemed insufficient by a majority of two-thirds of the members present at such meeting, the local authority may submit its proposals to the Local Government, with the objections, if any, which have been sent in and with its decision thereon.
- (4) The local authority shall at the same time submit to the Local Government a statement\* showing the school accommodation, equipment, and the educational staff required and the amount or part of expenditure thereon it is prepared to supply.
- (5) The Local Government on receiving the proposals and statement may sanction the same, or refuse to sanction them or return them to the local authority for further consideration.
- (6) When the proposals and the statement have been sanctioned by the Local Government, the local authority may direct that Part II of this Act shall be applied in accordance with the said proposals.
- (7) Every direction under sub-section (6) shall be published locally and notified in the "Punjab Gazette" and the notification shall be conclusive evidence that with effect from the date of such notification or such other date as may be specified therein Part II of this Act has been duly applied to that area.

<sup>\*</sup>For the form of statement prescribed by the Education Department vide the Note at the end of the Act.

- 4. (1) Subject to any rules which the Local Government may make in this behalf, the local authority of any area to which Part II of this Act is applied or is proposed to be applied may impose additional taxation towards meeting the cost of providing primary education for boys residing in such area.
- (2) Such additional taxation may be by means of the imposition of any tax or rate which may legally be imposed in such area under the Punjab District Boards Act, 1883, or the Punjab Municipal Act, 1911, or other Act constituting the local authority, as the case may be, or by the enhancement of any such existing tax or rate, subject to the maximum, if any, prescribed by such Act or by the levy of a special education cess payable by all or any of the persons resident or owning property within such area.
- (3) The procedure for levying the education cess shall be the procedure prescribed for imposing taxes under the Punjab District Boards Act, 1883, or the Punjab Municipal Act, 1911, or other Act constituting the local authority as the case may be.

Exemption of classes and communities.

5. The Local Government may by notification exempt particular classes or communities from the operation of this Act.

Withdrawal of area from operation of Act. in any local area.

6. The Local Government after reference to the local authority may by notification suspend or cancel the application of Part II of this Act

Reduction or discontinuance of additional ta ation.

7. The Local Government may by notifiaction direct that any additional taxation imposed under section 4 shall be reduced or discontinued from such date as it may fix.

Rules. S. The Local Government may after previous publication make rules for carrying out the provisions of this Act.

### PART II.

9. (1) In every area to which this Part is applied, it shall be

Duty of parent to send boy to school.

The duty of the parent of any boy residing within such area, who is not under six and not over eleven years of age, to cause such boy to attend a recognized school for primary education unless there be a reasonable excuse for his non-attendance within the meaning of section 10;

Provided that no boy who has completed the course prescribed for the fourth primary standard or a course recognised by the Local Government as equivalent to that standard shall be required to attend such recognised school.

- (2) Where under this section it is the duty of the parent of any boy to cause him to attend a recognised school the local authority, subject to the approval of the Local Government, shall prescribe the number of days in each month and the number of hours in each day during which such boy shall be required to attend; and a boy shall not be deemed to have attended school in the meaning of this section unless he has attended on the days and during the hours so prescribed.
- (3) The local authority with the previous sanction of the Local Government may substitute "seven" for "six" and "twelve" for "eleven" in the foregoing sub-section (1) as applied to any local area under its control. Any such variation of the age limits shall be notified in the "Punjab Government Gazette."

Reasonable excuses for ed to be a reasonable excuse for non-attendance.

10. Any of the following shall be deemed to be a reasonable excuse for non-attendance:—

- (a) that there is no recognized school for primary education within a distance of two miles by the nearest route from the residence of the boy;
- (b) that the boy has been exempted by the school attendance committee on religious grounds;
- (c) that the boy is shown to the satisfaction of the school attendance committee to be receiving efficient instruction in some other manner;
- (d) that the boy has been granted temporary leave of absence from school for sickness or other sufficient reason in accordance with bye-laws made under this Act by the local authority;
- (e) that the boy is shown to the satisfaction of the school attendance committee to be permanently unfit to attend school by reason of some bodily defect or infirmity.
- 11. The local authority of every area to which this Part is applied shall provide and maintain such school accommodation and equipment and shall employ such educational staff as the Lirector of Public Instruction may consider necessary.

- 1? The local authority of any area to which this Part is applied shall charge no fees in any recognized school Remission of fees. for primary education maintained by itself, and if required by the authorities of any school within its local area not maintained wholly out of provincial or local funds shall pay from its own funds the whole or part of any fees up to the maximum scale of fees provided by the Punjab Education Code, payable for primary education in respect of any boy or boys attending such school.
- 13. Any parent who shall neglect to comply with the provisions of section 9 shall on conviction by any Magistrate be punishable with a fine not exceeding five rupees.
- Unlawful employment of boy.

  Unlawful employment of boy.

  Unlawful employment of boy.

  Unlawful employment of boy.

  during the prescribed hours of attendance at school utilise in connection with any employment, whether for remuneration or not the services of any boy whose parent is required under section 9 to cause his attendance at school shall on conviction be punishable with a fine not exceeding twenty-five rupees.
- 15. All fines levied by any Magistrate in respect of any offence against the provisions of this Act shall be credited to the funds of the local authority.
- School attendance committees.

  School attendance committees to be constituted in such manner as may be prescribed by bye-laws made by such authority in this behalf.
- Warning by school attendance committee has reason to believe that the parent of any boy within its area is not causing the boy to attend school in accordance with section 9, or that any person is employing any boy in a manner which constitutes an offence under section 14, it shall warn him to cause the boy to attend school or to discontinue the employment of the boy, as the case may be, within one week after receipt of such warning.
- 18. No court shall take cognizance of any offence under section 13 or 14 except upon complaint made by the school attendance committee and unless a warning under section 17 has been given and not complied with.
- 19. With the previous sanction of the Local Government or of such authority as the Local Government ment may appoint in this behalf, a local

authority may make bye-laws-

- (a) generally to cary out objects of this Act, and
- (b) in particular prescribing—
  - (i) the constitution, duties and powers of the school attendance committee;
  - (ii) the conditions under which leave may be granted to boys under section 10 (d), and the authority competent to grant such leave.

Note.—With reference to sub-section (4) of section 3 of the Act the following form of statement has been prescribed by the Education Department:—

(For the form see reverse.)

MUNICIPAL LAW AND PRACTICE

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## APPENDIX X.

## THE PUNJAB TOWN IMPROVEMENT ACT, 1922.

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## THE PUNJAB TOWN IMPROVEMENT ACT, 1922.

## An Act for the Improvement of Certain Areas.

Whereas it is expedient to make provision for the improvement and expansion of towns in the Punjab, and whereas the previous sanction of the Governor-General under section 80-A (3) of the Government of India Act has been obtained, it is hereby enacted as follows:—

#### CHAPTER I.

### PRELIMINARY.

Title, extent and commencement.

1. (1) This Act may be called the Punjab Town Improvement Act, 1922.

- (2) It extends to the whole of the Punjab.
- (3) This section and section 66 shall come into force at once. The Local Government may by notification propose to apply the rest of the Act to the whole or any part of any municipality, and to any locality adjacent thereto, on such date as may be specified in such notification, and the Act shall come into operation after the lapse of three months unless within that period the municipal committee concerned at a meeting convened for the purpose of considering the application of the Act resolve by a majority of two-thirds that the Act should not be so applied.

Definition. 2. In this Act unless there is something repugnant in the subject or context,—

- (1) words and expressions not defined in this Act have the same meaning as in the Punjab Municipal Act, 1911, as from time to time amended (hereinafter called the Municipal Act);
- (2) "land" includes land as defined in clause (a) of section 3 of the Land Acquisition Act, 1894;
- (3) "street alignment" means lines forming the boundaries of a street dividing the same from lands adjoining on either side;
- (4) "building line" means a line in rear of the street alignment up to which the main wall of a building abutting on a projected street may lawfully extend;

- 5) "tribunal" means a tribunal constituted under section 60;
- 6) "Municipal Committee" means the Committee established in accordance with the provisions of the Municipal Act, for the Municipality to which or to any part of which or to any locality adjacent to which the provisions of this Act have been applied under sub-section (3) of section 1;
- (7) "local area" means the area to which this Act has been applied and the area within which a Trust has been created for the purposes of carrying out the provisions of the Act:
- (S) all references to anything done, required, authorised, permitted, forbidden or punishable, or to any power vested, under this Act shall include anything done, required, authorised, permitted, forbidden or punishable or any power vested—
  - (a) by any provision of this Act, or
  - (b) by any rule or scheme made under the provisions of this Act, or
  - (c) under any provisions of the Municipal Act which the Trust has by virtue of this Act power to enforce;
- (9) "prescribed" means prescribed by rules made by the Local Government under this Act;
- (10) "notification" means a notification published in the "Punjab Gazette."

#### CHAPTER II.

#### Constitution of Trusts.

3. The duty of carrying out the provisions of this Act in any local area shall, subject to the conditions and limitation of Trust. limitations hereinafter contained, be vested in a board to be called "The (name of town) Improvement Trust" hereinafter referred to as "The Trust"; and every such board shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue and be sued.

Constitution of Trust. 4. (1) The Trust shall consist of seven Trustees, namely,—

(a) a Chairman.

- (b) three members of the Municipal Committee, and
- (c) three other persons.
- (2) The Chairman and the three persons referred to in clause (c) of sub-section (1) shall be appointed by the Local Government by notification.
- (3) The members of the Municipal Committee referred to in clause (b) of sub-section (1) shall be elected by the Municipal Committee.
- (4) If the Municipal Committee does not by such date as may be fixed by the Local Government, elect a person to be a Trustee, the Local Government shall, by notification, appoint a member of the Municipal Committee to be a Trustee, and any person so appointed shall be deemed to be a Trustee as if he had been duly elected by the Municipal Committee.
- (5) Of the persons referred to in clause (c) of sub-section (1) not more than one shall be a Government servant.

Explanation.—For the purposes of this section the term "Government servant" does not include a Government treasurer, a person holding a purely honorary office or a person who has retired from the service of Government.

- 5. The term of office of the Chairman shall be three years, but when the Trust ceases to exist the said term of office shall be deemed to expire on the date of the dissolution of the Trust He shall be eligible for re-appointment, and he may be removed from office by the Local Government at any time.
- Term of office of every Trustee elected under clause (b) of sub-section (1) of section 4 shall be three years or until he ceases to be a member of the Municipal Committee, whichever period is less, and the term of office of every Trustee appointed under clause (c) of the said sub-section shall be three years, but when the Trust ceases to exist the said term of office shall be deemed to expire on the date of the dissolution of the Trust.
- 7. (1) Any Trustee may at any time resign his office, provided that his regination shall not take effect until accepted by the Trust.
- (2) The term of office of appointed and elected Trutees shall commencement of term of office of first Trustees.

  (2) The term of office of appointed and elected Trutees shall commence on such date as shall be notified in this behalf by the Local Government.

- (3) A person ceasing to be a Trustee by reason of the expiry of his term of office shall, if otherwise qualified, be eligible for reelection or re-appointment.
- S. (1) When the place of a Trustee appointed by the Local Government becomes vacant by his resignation, removal or death, the Local Government shall appoint a person to fill the vacancy.
- (2) When the place of an elected Trustee becomes vacant by his resignation, removal or death, the vacancy shall be filled, within two months of the existence of such vacancy being notified to the Municipal Committee by the Trust, in the manner provided by subsection (3) of section 4: provided that if the Municipal Committee fails to elect a qualified person to fill the vacancy within the period herein prescribed, the provisions of sub-section (4) of the said section shall apply.
- (3) Every person appointed or elected to fill a casual vacancy under this section shall hold his place for the time for and subject to the conditions upon which it was tenable by the person in whose place he has been so appointed or elected, and no longer; but he may, if otherwise qualified, be re-appointed or re-elected:

Provided that no person elected or appointed under sub-section (2) shall continue to be a Trustee after he has ceased to be a member of the Municipal Committee, but he may so continue notwithstanding that the Trustee in whose place he was elected or appointed has ceased to be a member of the said Committee.

Remuneration of Chairman and Trustees.

9. The Chairman shall receive such salary and each other Trustee shall receive such salary or remuneration as may be sanctioned by the Local Government.

Removal of Trustees. 10. The Local Government may by notification remove any Trustee—

- (a) if he refuses to act, or becomes, in the opinion of the Local Government, incapable of acting or has been declared an insolvent, or has been convicted of any such offence or subjected by a Criminal Court to any such order as implies, in the opinion of the Local Government, a defect of character which unfits him to be a Trustee; or
- (b) if he has been declared by notification to be disqualified for employment in, or has been dismissed from, the public service and the reason for the disqualification or dismissal is such as implies, in the opinion of the Local Government, a defect of character which unfits him to be a Trustee; or

- (c) if he has absented himself for more than three consecutive months from the meetings of the Trust, or of any committee of which he is a member, and is unable to explain such absence to the satisfaction of the Local Government; or
- (d) if, in the opinion of the Local Government, he has flagrantly abused his position as a Trustee; or
- (e) if he has knowingly acquired or continued to hold, without the permission in writing of the Local Government, directly or indirectly or by a partner, any share or interest in any contract or employment with, by or on behalf of the Trust; or
- (f) if he has knowingly acted as a Trustee in a matter other than a matter referred to in clause (iv) or (v) of the following proviso in which he or a partner had, directly or indirectly, a personal interest, or in which he was professionally interested on behalf of a client, principal or other person; or
- (g) if he has acted in contravention of section 16; or
- (h) being a legal practitioner, if he acts or appears on behalf of any other person in any criminal proceeding instituted by or on behalf of the Trust; or
- (i) in the case of a salaried officer of the Government, if his continuance in office is, in the opinion of the Local Government, unnecessary or undesirable:

Provided that a person shall not be deemed, for the purpose of clause (e), to acquire, or continue to have, share or interest in a contract or employment by reason only of his—

- (i) having a share or interest in any lease, sale or purchase of land or building, or in any agreement for the same: provided that such share or interest was acquired before he became a Trustee, or
- (ii) having a share in a joint stock company which shall contract with, or be employed by or on behalf of the Trust, or
- (iii) having a share or interest in a newspaper in which an advertisement relating to the affairs of the Trust is inserted, or
- (iv) holding a debenture or otherwise being interested in a loan raised by or on behalf of the Trust, or
- (v) being retained by the Trust as a legal practitioner, or

(vi) having a share or interest in the occasional sale of an article in which he regularly trades to the Trust, to a value not exceeding, in any one year such amount as the Trust, with the sanction of the Local Government, may fix in this behalf.

Disabilities of Trustees removed under section 10.

11. (1) A Trustee removed under clause (a) of section 10 shall not be eligible for re-election or re-appointment for a period of three years from the date of his removal:

Provided that if a Trustee has been removed by reason of his having been declared an insolvent he shall be eligible for re-election or re appointment when he shall have obtained his discharge.

(2) A Trustee removed under any other provision of section 10 shall not be eligible for re-election or re-appointment until he is declared by the Local Government to be so eligible.

#### CHAPTER III.

# PROCEEDINGS OF THE TRUST AND COMMITTEE.

- 12. (1) (a) The Trust shall ordinarily meet for the transaction of business at least once in every month at such time as it may fix: provided that the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than two Trustees, call a special meeting.
- (b) The quorum necessary for the transaction of business at an ordinary or special meeting shall not be less than three, and when the business to be transacted is the formation of any scheme under Chapter IV, the quorum shall not be less than six.
- (c) At every meeting the Chairman if he be present, or in his absence such one of the Trustees present as may be chosen by the meeting, shall preside.
- (d) All questions which come before any meeting shall be decided by a majority of the votes of the Trustees present; the President of the meeting in case of an equality of votes having a second or casting vote.
- (e) Minutes of the names of the Trustees present and of the proceedings at each meeting shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the person presiding at the meeting or at the next ensuing meeting, and shall at all reasonable times and without charge be open to inspection by any Trustee.

- (2) No trustee shall be entitled to object to the minutes of any meeting unless he was present at the meeting to which they relate.
- Temporary association of members with the Trust for particular purposes.

  The Trust may associate with itself in such manner and for such period as may be prescribed by rules made under section 74 any persons whose assistance or advice it may desire in carrying out any of the provisions of the Act.
- (2) A person associated with itself by the Trust under subsection (1) for any purpose shall have a right to take part in the discussions of the Trust relative to that purpose, but shall not have a right to vote at a meeting of the Trust, and shall not be deemed to be a Trustee.
- 14. (1) The Trust may, from time to time, appoint committees of the Trust consisting of such persons of any of the following classes as it may deem fit, namely:—
  - (i) Trustees.
  - (ii) Persons associated with the Trust under section 13.
  - (iii) Other persons whose services, assistance or advice the Trust may desire as members of such committees:

Provided that no such committee shall consist of less than three persons, and that at least one Trustee shall be a member thereof.

# (2) The Trust may-

- (a) refer to such committees, for inquiry and report, any matter relating to any of the purposes of this Act, and
- (b) delegate to such committees by resolution, and subject to any rules made under Section 74, any of the powers or duties of the Trust.
- (3) The Trust may, at any time, dissolve, or, subject to the provisions of sub-section (1), alter the constitution of any such committees.
- (4) Every such committee shall conform to any instructions from time to time given to it by the Trust.
- (5) All proceedings of any such committee shall be subject to confirmation by the Trust.
  - (6) Any person associated with the Trust under section 13

or appointed a member of a committee of the Trust under clause (iii) of sub-section (1) shall be entitled to receive such remuneration either by way of monthly salary or by way of fees or partly in one of these ways and partly in the other as the Local Government may prescribe.

- 15. (1) Committees appointed under section 14 may meet and adjourn as they think proper; but the Chairman of the Trust may, whenever he deems fit, call a special meeting of any such committee, and shall do so upon the written request of not less than two members thereof.
- (2) The Chairman may attend any meeting of a committee appointed under section 14 whether he is a member of such committee or not, and shall preside at every such meeting at which he is present; if he be absent, any Trustee present and being a member of such committee as may be chosen by the meeting, shall preside: provided in this case that if only one Trustee is present, he shall preside.
- (3) All questions which come before any meeting of such committee shall be decided by a majority of the votes of the members present, the person presiding in case of an equality of votes having a second or casting vote.
- (4) No business shall be transacted at any meeting of such committee when less than two members or, when the committee consists of more than eight members, when less than one fourth of such members are present.

Trustees and associated members of Trust or committee not to take part in proceedings in which they are personally interested.

## 16. (1) A Trustee who

- (i) has, directly or indirectly, by himself or by any partner, employer, or employee, any such share or interest as is described in the proviso to section 10, in respect of any matter, or
- (ii) has acted professionally, in relation to any matter, on behalf of any person having therein any such share or interest as aforesaid,

shall not vote or take any other part in any proceedings of the Trust or any committee appointed under this Act relating to such matter.

(2) If any Trustee, or any person associated with the Trust under section 13 or any other member of a committee appointed under this Act, has, directly or indirectly, any beneficial interest in any land

situated in an area comprised in any improvement scheme framed under this Act, or in any area in which it is proposed to acquire land for any of the purposes of this Act,-

- (i) he shall, before taking part in any proceeding at a meeting of the Trust or any committee appointed Act relating to such area, inform the person presiding at the meeting of the nature of such interest;
- (ii) he shall not vote at any meeting of the Trust or any such committee upon any resolution or question relating to such land, and
- (iii) he shall not take any other part in any proceeding at a meeting of the Trust or any such committee relating to such area if the person residing at the meeting considers it inexpedient that he should do so.
- Power of Trust to fix number and salaries of permanent servants and appointment of temporary servants in cases of emergency.
- 17. Subject to such rules as the Local Government may make under clause (iii) of section 73 the Trust may from time to time employ such servants as it may deem necessary and proper to assist in carrying out the purposes of this Act, and may assign to such servants such pay as it may deem fit.
- Subject to the provisions of section 17 and to any rules for the time being in force, the power of appointing, promoting and granting leave to officers and servants of the Trust, and reducing, Power of appointment, suspending, or dismissing them for misconduct, and dispensing with their services for any reason other than misconduct, shall be vested-
  - (i) in the case of officers and servants whose maximum monthly salary does not exceed one hundred rupees-in the Chairman, and
  - (ii) in other cases—in the Trust:

Provided that any officer or servant, in receipt of a minimum monthly salary exceeding fifty rupees who is reduced, suspended or dismissed by the Chairman may appeal to the Trust, whose decision shall be final.

The Chairman shall exercise supervision and control over the acts and proceedings of all officers and servants of the Trust; and, subject to the foregoing Control by Chairman. sections, shall dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances.

- 20. (1) The Chairman may, by general or special order in writing, delegate to any officer of the Trust any of the Chairman's powers, duties or functions under except those conferred or imposed upon or vested in him by sections 12, 15, 21, 46 and 96, respectively.
- (2) The exercise or discharge by any officer of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such conditions and limitations (if any) as may be prescribed in the said order, and also to control and revision by the Chairman, or the Trust.

## Supply of information to Government.

- 21. (1) The Chairman shall forward to the Local Government a copy of the minutes of the proceedings of each meeting of the Trust, within ten days from the date on which the minutes of the proceedings of such meeting were signed as prescribed in clause (e) of sub-section (1) of section 12.
- (2) If the Local Government so directs, in any case, the Chairman shall forward to it a copy of all papers which were laid before the Trust for consideration at any meeting.
- (3) The Local Government may require the Chairman to furnish it with—
  - (i) any return, statement, estimate, statistics or other information regarding any matter under the control of the Trust, or
  - (ii) a report on any such matter, or
  - (iii) a copy of any document in the charge of the Chairman.

The Chairman shall comply with every such requisition without unreasonable delay.

#### CHAPTER IV.

## SCHEMES UNDER THE ACT.

Matters to be provided for by General Improvement Scheme or Rebuilding Scheme.

22. (1) Whenever it appears to the Trust that—

(a) any buildings which are used or are intended or likely to be used as dwelling-places within its local area are unfit for human habitation, or

- (b) danger is caused or likely to be caused to the health of the inhabitants of such local area or part thereof by reason of—
  - (i) the congested condition of streets or buildings or groups of buildings in such local area or part, or
  - (ii) the want of light, air, ventilation or proper conveniences in such local area, or part, or
- (iii) any other sanitary defects in such local area or part,

the Trust may pass a resolution to the effect that such local area or part is in an insanitary locality and that "a General Improvement Scheme" ought to be framed in respect of such locality and may then proceed to frame such a scheme

(2) Whenever the Trust declares any local area or part thereof to be an insanitary locality within the meaning of this section and is of opinion that having regard to the comparative value of the buildings in such local area or part and the sites on which they are erected it is undesirable to frame a General Improvement Scheme and the most satisfactory method of dealing with the local area or any part thereof is "a Rebuilding Scheme," it may proceed to frame such a scheme, which may provide for the reservation of streets and the enlargement of existing streets; the relaying out of the sites of the local area or part thereof upon the streets so reserved or enlarged; the demolition of existing buildings and their appurtenances upon such sites; and the erection of buildings in accordance with the scheme.

Street Schemes and Deferred Street that for the purpose of—
Schemes.

- (i) providing building sites, or
- (ii) remedying defective ventilation, or
- (iii) creating new or improving existing means of communication and facilities for traffic, or
- (iv) affording better facilities for conservancy

within its local area or part thereof it is expedient to lay out new streets, thoroughfares and open spaces, or alter existing streets, the Trust may pass a resolution to that effect, and shall then proceed to frame "a Streets Scheme" which shall prescribe improved alignments for streets, thoroughfares and open spaces for such local area or part as the Trust may deem fit.

(2) Whenever it appears to such Trust that for any of the purposes mentioned in sub-section (1) within its local area or part thereof

it is expedient to provide for the ultimate widening of any existing street by altering the existing alignments to improved alignments to be prescribed by the Trust, but that it is not expedient immediately to acquire all or any of the properties lying within the proposed improved alignments, the Trust, if satisfied of the sufficiency of its resources, may pass a resolution to that effect, and forthwith proceed to frame a "Deferred Street Scheme" prescribing an alignment on each side of such street.

- Development and pansion Schemes.

  Development and pansion Schemes.

  Example 1 Development and pansion Schemes.

  Example 24. (1) The Trust may, for the purpose of development of any locality within the municipal limits contained in its local area, prepare "a Development Scheme," and
- (2) such Trust may, if it is of opinion that it is expedient and for the public advantage to promote and control the development of and to provide for the expansion of a municipality in any locality adjacent thereto, within the local area of such Trust prepare "an Expansion Scheme."
- (3) "A Development Scheme" or "an Expansion Scheme" may provide for the lay-out of the locality to be developed, the purposes for which particular portions of such locality are to be utilised, the prescribed street alignment and the building line on each side of the streets proposed in such locality, the drainage of insanitary localities and such other details as may appear desirable.
- 25. If the Trust is of opinion that it is expedient and for the public advantage to provide housing accommodation Scheme.

  Housing Accommodation for any class of the inhabitants within its local area such Trust may frame "a Housing Accommodation Scheme" for the purpose aforesaid:

Provided that if the Local Government are satisfied that within the Trust area it is necessary to provide housing accommodation for industrial labour, the Local Government may by order require the Trust to frame a scheme under this section and to do all things necessary under the Act for executing the scheme so made; and if the Trust fail within such time as may be prescribed to frame a scheme to the satisfaction of the Local Government and to execute it, the Local Government may either by order require the Municipal Committee to frame and execute a scheme, or themselves frame a scheme and take such steps as are necessary to execute it. All expenses incurred by the Local Government or by the Municipal Committee in the exercise of the powers conferred upon them by this section shall, in the first instance, be paid out of provincial revenues, but the amount so spent shall be recoverable from the Trust as if it were a debt due to Government and the Local Government may attach the rents and other income of the Trust. The provisions of section 72 shall also apply to all moneys so paid.

- 26. Whenever the Trust deems it necessary that accommodation should be provided for persons who are displaced by the execution of any scheme under this Act, or are likely to be displaced by the execution of any scheme, which it is intended to submit to the Local Government for sanction under this Act it may frame "a Rehousing Scheme" for the construction, maintenance, and management of such and so many dwellings and shops as ought, in the opinion of the Trust, to be provided for such persons.
- 27. Any resident house-owner, who is likely to be displaced by the execution of any scheme under this Act, may apply to the Trust to be re-housed, and no such scheme shall be put into execution until a Re-housing scheme as provided for in section 26 for the re-housing of such resident house-owners as may apply under this section has been completed.

Explanation.—The demolition of a portion of a dwelling-house which renders the remaining portion uninhabitable shall be deemed to be a displacement of the person or persons residing in the said dwelling-house.

Combination of schemes and matters which may be provided for in schemes.

- 28. (1) A scheme under this Act may combine one or more types of scheme or any special features thereof.
- (2) A scheme under this Act may provide for all or any of the following matters:—
  - (i) The acquisition under the Land Acquisition Act, 1894, as modified by this Act, or the abandonment of such acquisition under sections 56 and 57 of this Act, of any land or any interest in land necessary for or affected by the execution of the scheme, or adjoining any street, thoroughfare open space to be improved or formed under the scheme.
  - (ii) The acquisition by purchase, lease, exchange or otherwise of such land or interest in land.
  - (iii) The retention, letting on hire, lease, sale, exchange or disposal otherwise of any land vested in or acquired by the Trust.
  - (iv) The demolition of buildings or portions of buildings that are unfit for the purpose for which they are intended and that obstruct light or air or project beyond the building line.
  - (v) The relaying out of any land comprised in the scheme

and the redistribution of sites belonging to owners of property comprised in the scheme.

- (vi) The laying out and alteration of streets.
- (vii) The provision of open spaces in the interests of the residents of any locality comprised in the scheme or any adjoining locality and the enlargement or alteration of existing open spaces.
- (viii) The raising, lowering or reclamation of any land vested in or to be acquired by the Trust for the purposes of the scheme, and the reclamation or reservation of land for the production of fruit, vegetables, fuel, fodder and the like for the residents of the local area.
- (ix) The draining, water supply and lighting of streets altered or constructed.
- (x) The provision of a system of drains and sewers for the improvement of ill-drained and insanitary localities.
- (xi) The doing of all acts intended to promote the health of residents of the area comprised in the scheme, including the conservation and preservation from injury or pollution of rivers and other sources and means of water supply.
- (xii) The demolition of existing buildings and the erection and re-erection of buildings by the Trust or by the owners or by the Trust in default of the owners.
- (xiii) The advance to the owners of land comprised within the scheme upon such terms and conditions as to interest and sinking fund and otherwise as may be prescribed under the scheme of the whole or part of the capital requisite for the erection of buildings in accordance with the scheme.
- (xiv) The provision of facilities for communication.
- (xv) All other matters which the Local Government may deem necessary to promote the general efficiency of a scheme or to improve the locality comprised in such scheme.
- 29. Notwithstanding anything contained in the Municipal Act whenever any street alignment has been prescribed by the Trust in any scheme under this Act with the sanction of the Local Government, the Municipal Committee shall not

have power to prescribe a regular line for the street within the limits of the scheme, and any such line previously prescribed by the Committee within such limits shall cease to be the regular line or line of frontage of the street.

- Powers of Trust to set back or ferward building or determined on for the future, or beyond the front of the building on either side thereof, street alignment. Thus been either entirely or in greater part taken down or burnt down, or has fallen down, by written notice, require such building or part when being rebuilt to be set back to or towards the said regular line or the front of the adjacent buildings; and the portion of that land added to the street by such setting back or removal shall become part of the street and shall vest in the Trust.
- (2) The Trust may on such terms as it may deem fit require or allow any building to be set forward for the improvement of the line of the street.
- (3) When any building is set back or forward in pursuance of a requisition made under the preceding clause, the Trust shall forthwith make full compensation to the owner of the building for any damage or loss that he may sustain.
- (4) If the additional land, which will be included in the premises of any person required or allowed to set forward a building, or part thereof, belongs to the Trust, the requisition or permission of the Trust to set forward the building shall be sufficient conveyance to the said owner of the said land, and the terms and conditions of the conveyance shall be set forth in the said requisition or permission.
- 31. (1) In the locality comprised in a scheme under this Act no Prohibition of build-person shall, except with the written permission ing beyond a street of the Trust, erect, re-erect added to or alter alignment.

  any building so as to make the same project beyond a street alignment or building line duly prescribed by the Trust.
- (2) In the locality comprised in a development scheme or an Expansion Scheme, if any person desires to erect, re-erect, add to or alter any building on his land so as to make the same project beyond a street alignment or building line duly prescribed by the Trust, he shall apply to the Trust for permission to do so, and if the Trust refuses to grant permission to such person according to his application, and does not proceed to acquire such land within one year from the date of such refusal, it shall pay reasonable compensation to such person for any damage or loss sustained by him in consequence of such refusal.

- 32. (1) In the locality comprised in a Deferred Street Scheme

  Acquisition of property affected by Deferred Street Scheme. The owner of any property affected by a street alignment duly prescribed by the Trust, may, at any time after the scheme has been sanctioned by the Local Government, give the Trust notice requiring it to acquire such property before the expiration of six mnths from the date of such notice, and the Trust shall acquire such property accordingly.
- (2) In the locality comprised in a Deferred Street Scheme, before proceeding to acquire any property affected by a street alignment duly prescribed by the Trust other than property regarding which it has received a notice under the preceding clause, the Trust shall give six months' notice to the owner of its intention to acquire the property.
  - 33. (1) A scheme under the Act may be framed upon an official representation by the Municipal Committee or otherwise.
- (2) An official representation referred to in sub-section (1) may be made by the Municipal Committee—
  - (a) on its own motion, or
  - (b) on a written complaint by the Medical Officer of Health or
  - (c) in respect of any area comprised in a Municipal ward, on a written complaint signed by twenty-five or more inhabitants of such ward.
- (3) If the Municipal Committee decides not to make an official representation on any complaint made to it under clause (b) or clause (c) of sub-section (2), it shall cause a copy of such complaint to be sent to the Trust, with a statement of the reason for its decision.
- Consideration of official representation made under section 33, and if satisfied as to the truth thereof and as to the sufficiency of its own resources, shall decide whether a scheme under this Act to carry such representation into effect should be framed forthwith or not, and shall forthwith intimate its decision to the Municipal Committee.
- (2) If the Trust decides that it is not necessary or expedient to frame a scheme under this Act forthwith, it shall inform the Municipal Committee of the reasons for its decision.
- (3) If the Trust fails, for a period of twelve months after the receipt of any official representation made under section 33, to intimate its decision thereon to the Municipal Committee, or if the Trust

intimates to the Municipal Committee its decision that it is not necessary or expedient to frame a scheme of a type other than that recommended by the Municipal Committee, the Municipal Committee, may, if it deems fit, refer the matter to the Local Government.

- (4) The Local Government shall consider every reference made to it under sub-section (3) and
  - (a) if it deems that the Trust ought to have passed a decision within the period mentioned in sub-section (3) shall direct the Trust to pass a decision within such further period as the Local Government may deem reasonable, or
  - (b) if it deems that it is expedient that a scheme should forthwith be framed, shall direct the Trust to proceed forthwith to frame a scheme. Such a direction may prescribe the type of scheme to be framed.
- (5) The Trust shall comply with every direction given by the Local Government under sub-section (4).

Matters to be considered when framing improvement schemes.

35. When framing a scheme under this Act in respect of any locality, regard shall be had to—

- (a) the nature and the condition of adjoining localities and of the town as a whole;
- (b) the directions in which the town appears likely to expand; and
- (c) the claims of any other part of the local area likely to require a scheme under this Act.

Preparation, publication and transmission of notice as to improvement schemes, and supply of documents to applicants.

36. (1) When a scheme under this Act has been framed, the Trust shall prepare a notice stating—

- (i) the fact that the scheme has been framed,
- (ii) the boundaries of the locality comprised in the scheme, and
- (iii) the place at which details of the scheme including a statement of the land proposed to be acquired and a general map of the locality comprised in the scheme may be inspected at reasonable hours.
- (2) The Trust shall—
  - (a) notwithstanding anything contained in section 78 cause

the said notice to be published weekly for three consecutive weeks in the official *Gazette* and in a newspaper or newspapers with a statement of the period within which objects will be received, and

- (b) send a copy of the notice to the President of the Municipal Committee, and to the Medical Officer of Health.
- (3) The Chairman shall cause copies of all documents referred to in clause (iii) of sub-section (1) to be delivered to any applicant on payment of such fees as may be prescribed by rule under section 74.
- 37. The President of any Municipal Committee and the Medical Officer of Health to whom a copy of a Transmission to Trust of representation by Committee as to provement scheme.

  Section 2) of section 36 shall, within a period of sixty days from the receipt of the said copy, forward to the Trust any representation which the Municipal Committee or the said Medical Officer of Health may deem fit to make with regard to the scheme
- Notice of proposed acquisition of land.

  Notice of proposed acquisition of land.

  Notice of proposed acquisition of land.

  Trust shall serve a notice on
  - (i) every person whom the Trust has reason to believe after due enquiry to be the owner of any immovable property which it is proposed to acquire in executing the scheme,
  - (ii) the occupier (who need not be named) of such premises as the Trust proposes to acquire in executing the scheme.
  - (2) Such notice shall-
    - (a) state that the Trust proposes to acquire such property for the purposes of carrying out a scheme under this Act, and
    - (b) require such person, if he objects to such acquisition, to state his reasons in writing within a period of sixty days from the service of the notice.
- (3) Every such notice shall be signed by, or by the order of, the Chairman.
- 39. The President of the Municipal Committee shall furnish Furnishing of information available in Municipal records. the Chairman at his request and on payment of such fees as may be prescribed by rule made under section 73 with a copy of such information

relating to a locality regarding which a notice has been published under section 26 as is available in the Municipal records.

- Abandonment of scheme or application to Local Government to sanction it.

  Abandonment of scheme or application to Local Government to sanction it.

  Abandonment of scheme or application to Local Government to sanction it.

  Abandonment of sunder clause (a) of sub-section (2) of section 37 and by clause (b) of sub-section (2) of section 38, in respect of any scheme under this Act, the Trust shall consider any objection, or representation and after hearing all persons or their representatives making any such objection, or representation, who may desire to be heard, the Trust may either abandon the scheme or apply to the Local Government for sanction to the scheme with such modifications (if any) as the Trust may deem necessary.
- (2) Every application submitted under sub-section (1) shall be accompanied by—
  - (i) complete plans and details of the scheme and an estimate of the cost of executing it;
  - (ii) a statement of the reasons for modifications (if any) made in the scheme as originally framed;
  - (iii) a statement of objections (if any) received under section 36;
  - (iv) the representation (if any) received under section 37;
  - (v) a list of the names of all persons (if any) who have objected under clause (b) of sub-section (2) of section 38, to the proposed acquisition of their property and a statement of the reasons given for such objection; and
  - (vi) a statement of the arrangements made or proposed by the Trust for the re-housing of persons who are likely to be displaced by the execution of the scheme and for whose re-housing provision is required.
- (3) When any application has been submitted to the Local Government under sub-section (1), the Trust shall cause notice of the fact to be published for two consecutive weeks in the official Gazette and in a newspaper or newspapers.
- 41. (1) The Local Government may sanction either with or Power to sanction, rewithout modification, or may refuse to sanction, ject or return scheme. or may return for reconsideration, any scheme submitted to it under section 40.
- (2) If a scheme returned for reconsideration under sub-section (1) is modified by the Trust, it shall be republished in accordance with section 36—
  - (a) in every case in which the modification affects the boun-

- daries of the locality comprised in the scheme, or involves the acquisition of any land not previously proposed to be acquired; and
- (b) in every other case, unless the modification is, in the opinion of the Local Government, not of sufficient importance to require republication.
- Notification of sanction of scheme.

  Notification of sanction of scheme.

  vided that it is not a Deferred Street Scheme, Development Scheme, or Expansion Scheme and provided further that the requirements of section 27 have been fulfilled.
- (2) A notification under sub-section (1) in respect of any scheme shall be conclusive evidence that the scheme has been duly framed and sanctioned.

Alteration of scheme 43 A scheme under this Act may be after sanction. altered by the Trust at any time between its sanction by Government and its execution.

## Provided as follows:-

- (a) if any alteration is estimated to increase the estimated net cost of executing a scheme by more than Rs. 50,000 or twenty per cent. of such cost such alteration shall not be made without the previous sanction of the Local Government;
- (b) if any alteration involves the acquisition, otherwise than by agreement of any land the acquisition of which has not been sanctioned by the Local Government, the procedure prescribed in the foregoing sections of this chapter shall, so far as applicable, be followed as if the alteration were a separate scheme.
- 44. Any number of localities in respect of which the Trust has framed or has proposed to frame schemes under this Act may, at any time, be included in one combined scheme.

#### CHAPTER V.

Powers and duties of the Trust where a scheme has been sanctioned.

- Transfer to Trust of building or land vested in Municipal Committee for purposes of scheme. Municipal Committee, and such building, street, land or part shall thereupon vest in the Trust, subject to the payment to the Municipal Committee of such sum as may be required to compensate it for actual loss resulting from the transfer of any building to the Trust.
- (2) if any question or dispute arises as to the sufficiency of the compensation paid or proposed to be paid under sub-section (1) the matter shall be referred to the Local Government whose decision shall be final.
- 46. (1) Whenever any street, or part thereof, which is not vested in the Municipal Committee is required for executing any scheme under this Act, the Trust shall cause to be a fixed, in a conspicuous place in or near such street, or part, a notice signed by the Chairman,
  - (a) stating the purpose for which the street or part is required, and
  - (b) declaring that the Trust will, on or after a date to be specified in the notice, such date being not less than thirty days after the date of the notice, take over charge of such street, or part, from the owner or owners thereof;

and shall simultaneously send a copy of such notice to the owner or owners of such street, or part, or to the duly accredited agent of such owner or owners.

- (2) After considering and deciding all objections (if any) received in writing before the date so specified the Trust may take over charge of such street, or part, from the owner or owners thereof and the same shall thereupon vest in the Trust.
- (3) When the Trust alters or closes any street or part thereof which has vested in it under sub-section (2), it shall pay such sum as may be required to compensate the previous owner or owners for actual loss resulting to him from such alteration or closure.

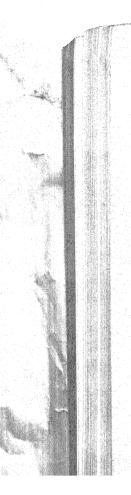
- (4) If the alteration or closing of any such street, or part, causes special damage or substantial inconvenience to owners of property adjacent thereto, or to residents in the neighbourhood, the Trust—
  - (i) shall forthwith provide some other reasonable means of access for the use of persons who were entitled as of right to use such street, or part, as a means of access to any property or place, and
  - (ii) if the provision of such means of access does not sufficiently compensate any such owner or resident for such damage or inconvenience, shall also pay him reasonable compensation in money.
- 47. (1) When any building or any street or other land, or any part thereof, has vested in the Trust under section 45 or section 46.

  47. (1) When any building or any street or other land, or any part thereof, has vested in the Trust under section 45 or section 46, no municipal drain or water-work therein shall vest in the Trust until another drain or water-work (as the case may be), if required, has been provided by the Trust to the satisfaction of the Municipal Committee, in place of the former drain or work.
- (2) If any question or dispute arises as to whether another drain or water-work is required, or as to the sufficiency of any drain or water-work provided by the Trust under sub-section (1) the matter shall be referred to the Local Government, whose decision shall be final.

Power of Trust to make and deal with public street.

48. (1) The Trust may—

- (a) lay out and make a new public street and construct tunnels and other works subsidiary to the same, and
- (b) widen, lengthen, extend, enlarge, raise the level of or otherwise improve any existing public street if vested in the Trust, and
- (c) turn, divert, discontinue or close any public street so vested, and
- (d) provide within its discretion building sites of such dimensions as it deems fit, to abut on or adjoin any public street made, widened, lengthened, extended, enlarged, improved, or the level of which has been raised by the Trust under clauses (a), (b) and (c) or by the Local Government, and



- (e subject to the provisions of any rule prescribing the conditions on which property vested in the Trust may be transferred, lease, sell or otherwise dispose of any land used by the Trust for a public street and no longer required therefor, and in doing so impose any condition as to the removal of any building existing thereon, as to the description of any new building to be erected thereon, as to the period within which such new building shall be completed, and as to any other matter that it deems fit
- (2) Whenever the Trust discontinues the public use of, or permanently closes, any street vested in it, or any part thereof, it shall pay reasonable compensation to every person who had an easement or right of way or light and air over, upon or from such street or part, and who by such discontinuance or closure has suffered special damage.
- (3) In determining the compensation payable to any person under sub-section (2), the Trust shall make allowance for any benefit accruing to him from the construction, provision or improvement of any other street at or about the same time that the public street or part thereof, on account of which the compensation is paid, is discontinued or closed.
- 49. (1) The provisions of sections 96, 97, 98, 99, 100, 101, 102, 103, 104, 113, 114, 114-A, 115, 116, 117, 118, 119, P wers under the 120, 125, 126, 127, 128, 129, 130, 131, 132, Municipal Act vested in 133, 134, 135, 136, 137, 138, 139, 140, 155, the Trust. 156, 157, 158, 159, 160, 161, 162, 163, 165, 166, 170, 170-A, 170 B, 170-C, 170-D, 170-E, 170-F, 170-G, 171 (1), (2) and (3), 172, 173, 175, 176, 177, 178, 179, 180, 181, 182, 189, (1) and (2), 191, 192, 193, 194, 195, 196, 199, 200, 201, 202, 209, 210, 212, 213, 214, 221, 224, 225, 226, 227, and 230, of the Municipal Act. shall, so far as may be consistent with the tenour of the Act. apply to all localities in respect of which a scheme under this Act is in force, and for the period during which such scheme remains in force; and all reference in the said sections to the Municipal Committee or to the President or to any officer of the Municipal Committee shall be construed as referring to the Trust which, in respect of any such localities, may alone exercise and perform all or any of the powers and functions which under any of the said chapters and sections might have been exercised and performed by the Municipal Committee or by the President or by any officer of the Municipal Committee:

Provided that the Trust may delegate to the Chairman, or to any officer of the Trust all or any of the powers conferred by this section.

(2) The Trust may make bye-laws for any locality outside the

limits of the Municipality comprised in a scheme under this Act-

- (a) generally for carrying out the purposes of this Act, and
- (b) in particular and without prejudice to the generally of the aforesaid powers, regarding any of the matters referred to in sections 188, 189 and 190 of the Municipal Act.
- 50. (1) The Trust shall not take any action under sections

  96, 97, 98, 99, 100, 101, 102, 132, 133, 134,
  135, 136, 137, 138, or 139 of the Municipal Act without having previously consulted the Municipal Committee and obtained its consent: provided that if the said committee does not give its consent the matter in dispute shall forthwith be referred to the Local Government, whose decision shall be final.
- (2) If the Municipal Committee deems it necessary that action should be taken within the Trust area under sections 96, 97, 98, 99, 100, 101, 102, 132, 133, 134, 135, 136, 137, 138 or 139 of the Municipal Act, it shall make an application to the Trust requiring that such action be taken, and the Trust shall thereupon comply with the application, or give its reasons in writing for rejecting it: provided that if the application be rejected, the matter shall forthwith be referred to the Local Government whose decision shall be final.

Power of the Trust to facilitate movement of population.

51. In order to facilitate the movement of the population in and around any local area to which this Act is applied, the Trust may from time to time—

- (a) subject to any conditions it may deem fit to impose-
  - (i) guarantee the payment, from the funds at its disposal, of such sums as it may deem fit, by way of interest on capital expended on the construction, maintenance or working of means of locomotion, or
  - (ii) make such payments as it may deem fit from the said funds, by way of subsidy to persons undertaking to provide, maintain and work any means of locomotion, or
- (b) either singly or in combination with any other persons construct, maintain and work any means of locomotion, under the provisions of any law applicable thereto, or
- (c) construct or widen, strengthen or otherwise improve, bridges:

Provided that no guarantee or subsidy shall be made under clause (a), and no means of locomotion shall be constructed, maintained or worked under clause (b), without the previous sanction of the Local Government.

Power to make surveys or contribute towards their cost.

# 52. The Trust may-

- (a) cause a survey of any land to be made whenever it considers that survey is necessary or expedient for carrying out any of the purposes of this Act, or
- (b) contribute towards the cost of any such survey made by any other local authority.
- 53. (1) The Chairman or any person authorized by him or by the Trust in writing may, with or without assistants or workmen, enter into or upon any land in order—
  - (i) to make any inspection, survey, measurement, valuation or inquiry,
  - (ii) to take levels,
  - (iii) to dig or bore into sub-soil,
  - (iv) to set out boundaries and intended lines of work,
  - (v) to mark such levels, boundaries and lines by marks and cutting trenches, or
  - (vi) to do any other thing,

whenever it is necessary to do so for any of the purposes of this Act or any rule made or scheme sanctioned hereunder or any scheme which the Trust intends to frame hereunder:

### Provided as follows:-

- (a) Except when it is otherwise specially provided by a rule no such entry shall be made between sunset and sunrise.
- (b) Except when it is otherwise specially provided by a rule no building which is used as a human dwelling shall be so entered, unless with the consent of the occupier or if there be no occupier, the owner thereof, without giving the said occupier or owner as the case may be at least twenty-four hours' previous notice in writing of the intention to make such entry.
- (c) Even when any premises may otherwise be entered with-

- out notice, reasonable warning and facility to withdraw shall be given to any female not appearing in public according to the customs of the country.
- (d) Due regard shall always be paid so far as the exigencies of the occasion permit to the social and religious usages of the occupants of the premises entered.
- (2) Whenever any person enters into or upon any land in pursuance of sub-section (1), he shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid; and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the Trust, whose decision shall be final.
- (3) It shall be lawful for any person authorised under sub-section (1) to make an entry for the purpose of inspection or search to open or cause to be opened a door, gate or other barrier—
  - (a) if he considers the opening thereof necessary for the purpose of such entry, inspection or search, and
  - (b) if the occupier or owner, as the case may be, is absent, or being present refuses to open such door, gate or barrier.

Reference of disputes 54. (1) If any question or dispute arises—to Tribunal.

- (a) between the Trust and the previous owner of any street or part thereof which has vested in the Trust under section 46 and has been altered or closed by it, as to the sufficiency of the compensation paid or proposed to be paid under sub-section (3) of that section, or
- (b) between the Trust and any person who was entitled as of right, to use as a means of access any street or part thereof, which has vested in the Trust under the said section—
- (i) as to whether the alteration or closing of such street or part causes special damage or substantial inconvenience to owners of property adjacent thereto or to residents in the neighbourhood, or
- (ii) as to whether the other means of access provided or proposed to be provided under sub-section (4) of the said section are reasonably sufficient, or
- (iii) as to the sufficiency of any compensation paid or proposed to be paid under the said sub-section (4), or
- (c) between the Trust and any person as to the sufficiency of

any compensation paid or proposed to be paid to him under sections 30, 31 or 102,

the matter shall be determined by the Tribunal, hereinafter defined, if referred to it either by the Trust or by the claimant within a period of three months from the date on which the said person was informed of the decision of the Trust fixing the amount of compensation to be paid to him or of the rejection of his claim to compensation by the Trust, and the determination of the Tribunal shall be final:

Provided that the Tribunal shall not entertain the application of any claimant who has not applied to the Trust for compensation within three months of the date on which his claim to compensation accrued.

- (2) The provisions of sections 5, 6 and 12 of the Limitation Act shall be applicable in determining whether any claim shall be entertained.
- (3) If a reference to the Tribunal be not made within the period prescribed by sub-section (1), the decision of the Trust shall be final.
- (4) For the purpose of determining any matter referred to it under sub-section (1), the Tribunal shall have all the powers with regard to witnesses, documents and costs which it would have if the Land Acquisition Act, 1894, as modified by section 59 of this Act were applicable to the case.

Vesting in Committee of streets laid out or altered, and open spaces provided by the Trust under a scheme.

55. (1) Whenever the Municipal Committee is satisfied—

- (a) that any street laid out or altered by the Trust has been duly levelled, paved, metalled, flagged, channelled, sewered and drained in the manner provided in the plans sanctioned by the Local Government under this Act, and
- (b) that such lamps, lamp-posts, and other apparatus as the Municipal Committee deem necessary for the lighting of such street and as ought to be provided by the Trust have been so provided, and
- (c) that water and other sanitary conveniences ordinarily provided in a municipality have been duly provided in such street,

the Municipal Committee after obtaining the assent of the Trust, or failing such assent, the assent of the Local Government under subsection (3), shall by notice affixed in some conspicuous position in such street declare the street to be a public street; and the street shall

thereupon vest in and shall thenceforth be maintained, kept in repair, lighted and cleansed by the Municipal Committee.

(2) When any open space for purposes of ventilation or recreation has been provided by the Trust in executing any scheme under this Act, it shall, on completion, be transferred to the Municipal Committee by resolution of the Trust and shall thereupon vest in and shall thenceforth be maintained, kept in repair, lighted and cleansed by the Municipal Committee:

Provided that the Municipal Committee may require the Trust, before any such open space is so transferred, to enclose, level turf, drain and lay out such space and provide footpaths therein and, if necessary, to provide lamps and other apparatus for lighting it.

(3) If any difference of opinion arises between the Trust and the Municipal Committee in respect of any matter referred to in the foregoing provisions of this section, the matter shall be referred to the Local Government, whose decision shall be final.

#### CHAPTER VI.

Acquisition, Tribunals and Application of Act to other Authorities.

- Abandament of acquisition in consideration of special payment.

  Abandament of acquisition in consideration of special payment.

  Trust requesting that the acquisition of such land be abandoned in consideration of the payment by him of a sum to be fixed by the Trust in that behalf.
  - (2) The Trust shall admit every such application if it-
    - (a) reaches it before the time fixed by the Collector, under section 9 of the Land Acquisition Act, 1894, for making claims in reference to the Land, and
    - (b) is made by any person who either owns the lands, is mortgagee thereof, or holds a lease thereof, with an unexpired period of seven years.
- (3) The Trust may admit any such application presented by any other person having an interest in the land.
  - (4) On the admission by the Trust of any such application, it

shall forthwith inform the Collector, and the Collector shall thereupon stay for a period of three months all further proceedings for the acquisition of the land, and the Trust shall proceed to fix the sum in consideration of which the acquisition of the land may be abandoned.

- (5) Within the said period of three months, or, with the permission of the Trust, at any time before the Collector has taken possession of the land under section 16 of the Land Acquisition Act. 1894, the person from whom the Trust has agreed to accept the sum so fixed may, if the Trust is satisfied that the security offered by him is sufficient, execute an agreement with the Trust, either—
  - (i) to pay the said sum three years after the date of the agreement, or
  - (ii) to leave the said sum outstanding as a charge on his interest in the land, subject to the payment of interest at a rate to be agreed upon by such person and the Trust until the said sum has been paid in full and to make the first annual payment of such interest four years after the date of the agreement:

Provided that the Trust may, at any time before the Collector has taken possession of the land under section 16 of the Land Acquisition Act, 1894, accept immediate payment of the said sum instead of an agreement as aforesaid.

- (6) When any agreement has been executed in pursuance of subsection (5) or when any payment has been accepted in pursuance of the proviso to that sub-section in respect of any land, proceedings for the acquisition of the land shall be deemed to be abandoned.
- (7) Every payment due from any person under any agreement executed under sub-section (5) shall be a charge on the interest of that person.
- (8) If any instalment of interest payable under an agreement executed in pursuance of clause (ii) of sub-section (5) be not paid on the due date, the sum fixed by the Trust under sub-section (4) shall be payable on that date, in addition to the said instalment.
- (9) At any time after an agreement has been executed in pursuance of clause (ii) of sub-section 5), any person may pay in full the charge created thereby, with interest, at the agreed rate, up to the date of such payment.
- (10) When an agreement in respect of any land has been executed by any person in pursuance of sub-section (5', no suit with respect to such agreement shall be brought against the Trust by any other person (except an heir, executor or administrator of the person first aforesaid) claiming to have an interest in the land.

- executed by any person in pursuance of sub-section (5), and any sum payable in pursuance of that sub-section is not duly paid, the same shall be recoverable by the Trust (together with interest, up to the date of realization, at the agreed rate), from the said person or his successor in interest in such land in the manner provided by section 222 of the Municipal Act, and, if not so recovered the Chairman may after giving public notice of his intention to do so, and not less than one month after the publication of such notice, sell the interest of the said person or successor in such land by public auction, and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.
- Agreement or payment under section 56 not a bar to acquisition under a fresh declaration deemed to prevent the declaration published under section 6 of the Land Acquisition Act, 1894.
- 58. A Tribunal shall be constituted as provided in section 60, for the purpose of performing the functions of the Court in reference to the acquisition of land for the Trust, under the Land Acquisition Act,

1894.

Modification of the Land Acquisition Act, under the Land Acquisition Act, 1894 for the 1894.

Trust—

- (a) the Tribunal shall (except for the purposes of section 54 of the said Act) be deemed to be the Court and the President of the Tribunal shall be deemed to be the Judge, under the said Act;
- (b) the said Act shall be subject to the further modifications indicated in the Schedule to this Act;
- (c) the President of the Tribunal shall have power to summon and enforce the attendance of witnesses, and to compel the production of documents, by the same means and (so far as may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908; and
- (d) the award of a Tribunal shall be deemed to be the award of the Civil Court under the Land Acquisition Act, 1894, and shall be final.

Constitution of Tribu-President and two assessors.

- (2) The President of the Tribunal shall be either -
  - (a) a member of the Judicial Branch of the Indian or Punjab Civil Service of not less than ten years' standing in such service who has for at least three years served as District Judge or for at least five years held judicial office not inferior to that of a Senior Subordinate Judge; or
  - (b) a barrister, advocate or pleader of not less than ten years' standing who has practised as an advocate or pleader in the High Court of Judicature at Lahore.
- (3) The President of the Tribunal and one of the assessors shall be appointed by the Local Government and the other assessor shall be appointed by the Municipal Committee or, in default of appointment by the Municipal Committee within two months of their being required by the Local Government to make such appointment, by the Local Government:

Provided that no person shall be eligible for appointment as a member of the Tribunal if he is a Trustee or would, if he were a Trustee, be liable to removal by the Local Government under section 10.

- (4) The term of office of each member of the Tribunal shall be two years, but any member shall, subject to the proviso to sub-section (3), be eligible for re-appointment at the end of that term.
- (5) The Local Government may remove any member of the Tribunal who would, if he were a Trustee, be liable to removal by the Local Government under section 10.
- (6) When any person ceases for any reason to be a member of the Tribunal, or when any member is temporarily absent in consequence of illness or any unavoidable cause, the authority which appointed him shall forthwith appoint a fit person to be a member in his place. Where the authority so appointing was the Municipal Committee and the Municipal Committee fails to make a fresh appointment within two months of being required to do so by the Local Government, the appointment may be made by the Local Government.
- 61. Each member of the Tribunal shall receive such remuneration, either by way of monthly salary or by way of Tribunal.

  Remuneration of members of Tribunal.

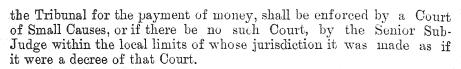
  way of fees, or partly in one of those ways and partly in the other, as the Local Government may prescribe.

Officers and servants of Tribunal shall, from time to time, prepare a statement showing—

- (a) the number and grades of the clerks and other officers and servants who in his opinion should be maintained for carrying on the business of the Tribunal,
- (b) the amount of the salary to be paid to each such clerk, officer and servant.
- (2) All statements prepared under sub-section (1) shall be subject to the previous sanction of the Local Government.
- (3) Subject to any directions contained in any statement prepared under sub-section (1), and to rules made under section 73, the power of appointing, promoting and granting leave to clerks, officers and servants of the Tribunal, and the power of reducing, suspending or dismissing them, shall vest in the President of the Tribunal.
- 63. The remuneration prescribed under section 61 for members of the Tribunal and the salaries, leave allowances and acting allowances prescribed under this Act for clerks, officers and servants of the Tribunal, shall be paid by the Trust to the President of the Tribunal for distribution.
- Powers to make rules for Tribunal.

  Powers to make rules for Tribunal.

  Powers to make rules rules, not repugnant to the Code of Civil Procedure, 1908, for the conduct of business by Tribunals established under this Act.
  - (2) All such rules shall be published by notification.
- 65. (1) For the purpose of determining the award to be made Award of Tribunal how by the Tribunal under the Land Acquisition to be determined. Act, 1894—
  - (a) if there is any disagreement as to the measurement of land, or to the amount of compensation or costs to be allowed, the opinion of the majority of the members of the Tribunal shall prevail;
  - (b) notwithstanding anything contained in the foregoing clause, the decision on all questions of law and title and procedure shall rest solely with the President of the Tribunal, and such questions may be tried and decided by the President in the absence of assessors unless the President considers their presence necessary.
  - (2) Every award of the Tribunal, and every order made by



Application of Act to acquisition by other local or other local authority acquires land for the purposes of—

- (i) laying out new public streets in any locality whether previously built upon or not; or
- (ii) constructing new buildings and laying out of compounds attached thereto, abutting on such new public streets in any locality, whether previously built upon or not; or
- (iii) reclaiming unhealthy or insanitary localities-
  - (a) the modifications of the Land Acquisition Act contained in the Schedule of this Act shall, so far as they are applicable, apply to every such acquisition;
  - (b) the Local Government may constitute a Tribunal in accordance with section 60 and the provisions of sections 57 to 66 and of section 73 so far as they relate to the Tribunal, shall thereupon apply to such acquisition.
- (2) If the Local Government does not constitute a Tribunal in accordance with clause (b) of sub-section (1), all references to the Tribunal in the Schedule shall be construed as referring to the Court.

#### CHAPTER VII.

#### FINANCE.

- 67. A Trust under this Act shall be deemed to be a local Power of Trust to authority under the Local Authorities Loans borrow money.

  Act, 1914, for the purpose of borrowing money under that Act, and the making and execution of any scheme under this Act shall be deemed to be a work which such local authority is legally authorized to carry out.
- 68. (1) The Municipal Committee shall pay to the Trust so Contribution by Munillong as the Trust is concerned with the improvecipal Committee. The ment of a locality within the limits of the

municipality an amount per annum equal to two per cent. of the gross annual income of such Committee.

- (2) In case of dispute as to what is the gross annual income of a Committee, the matter shall be referred to the Local Government, whose decision shall be final.
- 69. (1) In places where there is a Government treasury or Custody and invest-sub-treasury, or a bank to which the Government of Trust funds. ment treasury business has been made over, all moneys at the credit of the Trust shall be kept in such treasury, subtreasury or bank.
- (2) In places where there is no such treasury or sub-treasury or bank, such moneys may be kept with a banker or person acting as a banker, who has given such security for the safe custody and repayment on demand of the sum so kept as the Local Government may in each case deem sufficient.
- (3) Provided that nothing in the foregoing provisions of this section shall be deemed to preclude a Trust from, with the previous sanction of the Local Government, investing any such moneys which are not required for immediate expenditure in any of the securities described in section 20 of the Indian Trust Act, 1882, or placing them in fixed deposit with a bank approved by the Local Government.
- Frocedure if the Trust fails to make any payment in respect of loans of the Trust.

  Trust fails to make any payment in respect of loans of the Trust.

  Such payment and may attach the rents and other income of the Trust; and thereupon the provisions of section 5 of the Local Authorities Loans Act, 1914, shall, with all necessary modifications, be deemed to apply.
- Procedure if Chairman of Board fails to make any payment due to Accountant-General.

  The Local Government may further impose or increase a tax on the annual value of buildings or lands or of both described in section 61 (B) (a) of the Municipal Act, \*to such extent as may be necessary for the purpose of recovering a payment made under section 70.

Payment by Local Government to be a charge on the property of the 72. All moneys paid by the Local Government shall constitute a charge upon the property of the Trust.

<sup>\*</sup>Note.—Now section 61 (1) (a),

#### CHAPTER VIII.

#### Rules.

- 73. (1) In addition to the power conferred by section 64, the Fower of Local Government may make rules consistent with this Act and applicable to all Trusts or any Trust—
  - (i) as to the authority on which money may be paid from the Trust Funds;
  - (ii) for fixing the fees payable for copies of or extracts from the municipal records furnished to the Chairman under section 39;
  - (iii) as to the employment, payment, suspension and removal of officers and servants of the Trust, and the conduct of such officers and servants;
  - (iv) as to the intermediate office or offices (if any) through which correspondence between the Trust and the Local Government or officers of the Government shall pass;
    - (v) as to the accounts to be kept by the Trust, as to the manner in which such accounts shall be audited and published, and as to the powers of auditors in respect of disallowance and surcharge;
  - (vi) as to the authority by whom, the conditions subject to which and the mode in which, contracts may be entered into and executed on behalf of the Trust;
  - (vii) as to the preparation of estimates of income and expenditure of the Trust and as to the authority by whom and the conditions subject to which such estimates may be sanctioned;
  - (viii) as to the returns, statements and reports to be submitted by Trusts;
    - (ix) to prescribe and define the mutual relations to be observed between the Trust and other local authorities in any matter in which they are jointly interested;
    - (x) for regulating the grant of leave of absence, leave allowances and acting allowances to the officers and servants of the Trust and of the Tribunal;
    - (xi) for establishing and maintaining a provident or annuity fund, for compelling all or any of the officers in the

service of the Trust or of the Tribunal (other than any servant of the Government in respect of whom a contribution is paid under section 94) to contribute to such fund at such rates and subject to such conditions as may be prescribed by such rules and for supplementing such contributions out of the funds of the Trust:

- Provided that a Government servant employed as officer or servant of the Tribunal shall not be entitled to leave or leave allowances otherwise than as may be prescribed in any general or special orders of the Government;
- (xii) for determining conditions under which the officers and servants of the Trust or of the Tribunal, or any of them, shall on retirement receive gratuities or compassionate allowances; and the amount of such gratuities and compassionate allowances:
  - Provided that it shall be at the discretion of the Trust or of the Tribunal, as the case may be, to determine whether all such officers and servants or any, and if so which of them, shall become entitled on retirement to any such gratuities or compassionate allowances as aforesaid;
- (xiii) generally for the guidance of Trust and public officers in all matters connected with the carrying out of the provisions of this Act;
- (xiv) for regulating the grant of subsidies to Trusts by the Local Government, the conditions under which they may be earned or forfeited and the arrangements for their repayment.
- (2) All acts authorised or enjoined under this Act shall be held to be authorized or enjoined subject to such rules.
- 74. Every Trust may from time to time with the previous Power of the Trust to sanction of the Local Government make rules make rules. consistent with this Act and with any rules made under this Act by the Local Government—
  - (i) for fixing the amount of security to be furnished by any officer and servant of the Trust from whom it may be deemed expedient to require security;
  - (ii) for associating members with the Trust under section 13;
  - (iii) for appointing persons (other than Trustees and persons associated with the Trust under section 13) to be members of Committee under section 14;

- (iv) for regulating the delegation of powers or duties of the Trust to Committees or to the Chairman;
- (v) for the guidance of persons employed by it under this Act;
- (vi) for fixing the fees payable for copies of documents delivered under sub-section (3) of section 36 or under section 75;
- (vii) for the management, use and regulation of dwellings constructed under any scheme under this Act;
- (viii) generally for carrying out the purposes of this Act.
- 75. (1) The Chairman shall cause all rules made under section

  73 or section 74 and for the time being in force
  to be printed and shall cause printed copies
  thereof to be delivered to any applicant on
  payment of such fees as may be fixed.
- (2) Notice of the fact of copies of rules being obtainable at the said price and of the place where, and the person from whom, the same are obtainable shall be given by the Chairman by advertisement in a newspaper or newspapers.
- 76. The Local Government may after previous publication of its intention, cancel any rule made by the vernment to caucel rules made under section 74. Trust which it has sanctioned, and thereupon the rule shall cease to have effect.

#### CHAPTER IX.

#### PROCEDURE AND PENALTIES.

- Trustee or any officer or servant of the Trust, or so authorised by the Chairman under sub-section (1) of section 20, and every notice or bill shall be deemed to be properly signed if it bears the facsimile of the signature of the Chairman or such Trustee, officer or servant stamped or printed thereon.
- (2) No notice issued by Trust under this Act or any rule or bye-law made thereunder shall be invalid for defect of form.
- 78. Subject to the provisions of this Act, every public notice required under this Act shall be deemed to have been duly given if it is published in some local newspapers (if any) and posted upon a notice

board to be exhibited for public information at the building in which the meetings of the Trust are ordinarily held.

- 79. (1) Every notice other than a public notice, and every bill, issued under this Act shall, unless it is under this Act otherwise expressly provided, be served or presented—
  - (a) by giving or tendering the registered notice or bill, or sending it by registered post to the person to whom it is addressed, or
  - (b) if such person cannot be found, then by leaving the notice or bill at his last known place of abode, if within municipal limits, or by giving or tendering it to some adult male member or servant of his family, ordinarily residing with him, or by causing it to be affixed on some conspicuous part of the buildings or land (if any) to which it relates.
- (2) When a notice is required or permitted under this Act to be served upon an owner or occupier as the case may be of a building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either -
  - (a) by giving or tendering the notice, or sending it by post, to the owner or occupier, or if there be more owners or occupiers than one, to any one of them, or
  - (b) if such owner or occupier cannot be found, then by giving or tendering the notice to an adult male member or servant of his family ordinarily residing with him or be causing the notice to be affixed on some conspicuous part of the building or land to which it relates.
- (3) Whenever the person on whom a notice or bill is to be served is a minor, service upon his guardian or upon an adult male member or servant of his family ordinarily residing with him shall be deemed to be service upon the minor.
- 80. Where under this Act or a notice issued thereunder the Disobedience to Act or public or any person is required to do or to to notice. refrain from doing anything, a person who fails to comply with such requisition shall, if such failure is not an offence punishable under any other section, be liable on conviction by a Magistrate to a fine not exceeding five hundred rupees for every such failure, and, in the case of a continuing breach, to a further fine which may extend to five rupees for every day after the date of the last conviction during which the offender is proved to have persisted in the breach:

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

- 81. If a notice has been given under this Act to a person Powers of Trust to exercute works on failure any property, movable or immovable, public to comply with notice. or private, or to provide or do or refrain from doing anything within a time specified in the notice, and if such person fails to comply with such notice, then the Trust may after giving six hours' notice cause such work to be executed or such thing to be provided or done, and may recover all expenses incurred by it on such account from the said person in the manner provided by section 222 of the Municipal Act.
- S2. (1) If the person to whom the notice mentioned in section S1 has been given is not the owner of the property in respect of which it is given, the Trust may (whether any action or other proceeding has been brought or taken against such owner or not) require the person (if any) who occupies such property or a part thereof under such owner, to pay to the Trust instead of to the owner the rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under section S1; and any such payment made by the occupier to the Trust shall, in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been made to the owner of the property.
- (2) For the purpose of deciding whether action should be taken under sub-section (1) the Trust may require an occupier of property to furnish information as to the sum payable by him as rent on account of such property and as to the name and address of the person to whom it is payable; and if the occupier refuses to furnish such information he shall be liable for the whole of the expenses as if he were the owner.
- (3) All money recoverable by the Trust under this section shall be recoverable in the manner provided by section 222 of the Municipal Act.
- 83. Whenever default is made by the owner of a building or land in the execution of a work required under this Act to be executed by him the occupier of such building or land may, with the approval of the Trust, cause such work to be executed and the expense thereof shall, in the absence of any contract to the contrary be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

84. (1) If, after receiving information of the intention of the owner of any building or land to take any action opposition to execution by occupier.

Procedure upon opposition to execution by occupier.

If after receiving information of the intention of the owner of any building or land to take any action in respect thereof in compliance with a notice issued under this Act, the occupier refuses to allow such owner to take such action, the owner

may apply to a Magistrate

- (2) The Magistrate upon proof of such refusal may by order in writing require the occupier to give the owner reasonable facility for executing such works, with respect to such building or land, as may be necessary for compliance with the notice, and may also, if he deems fit, order the occupier to pay to the owner the costs relating to such application or order.
- (3) If, after the expiration of eight days from the date of the Magistrate's order, the occupier continues to refuse to allow the owner to execute such work, the occupier shall be liable upon conviction, to a fine which may extend to twenty-five rupees for every day during which he has so continued to refuse.
- (4) Every owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in the execution of such works.
- Recovery of cost of work by the occupier.

  Recovery of cost of the contract of tenancy or by law, he shall, in the absence of any contract to the contrary, be entitled to recover from the owner by deduction from the rent payable by him or otherwise the reasonable cost of such work.
- Recovery of expenses of removal by Trust.

  Recovery of expenses of removal by Trust.

  Recovery of expenses of removal by Trust.

  Recovery of expenses of as applied by section 49 of this Act, or, in the event of a written notice under section 116 of that Act not being complied with, under section 81 of this Act, shall be recoverable by sale of the materials removed, and if the proceeds of such sale do not suffice, the balance shall be recoverable from the owner of the said materials in the manner provided by section 222 of the Municipal Act.
- Relief to agents and Trustees.

  Relief to agents and obligation imposed by this Act on the owner of the property for the discharge the obligations unless he has, or but for his own improper act or default might have had, in his hands funds belonging to the owner sufficient for the purpose.

- (2) When an agent or trustee has claimed and established his right to relief under this section, the Trust may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which come to his hands on behalf or for the use of the owner, and should he fail to comply with such notice, he shall be deemed to be personally liable to discharge such obligation.
- Application of section
  Application of section
  222, Municipal Act.

  Act made applicable by section 49 of this Act, it is provided that any sum shall be recoverable in the manner provided by section 222 of the Municipal Act then in applying the provisions of that section all references to the Municipal Committee shall be construed as referring to the Trust.

Penalty for removing 89. If any person, without lawful fence, etc., in street.

- (a) removes any fence, or any timber used for propping or supporting any building, wall or other thing, or extinguishes any light set up at any place where the surface of a street or other ground has been opened or broken up by the Trust for the purpose of carrying out any work, or
- (b) infringes any order given, or removes any bar, chain or post fixed by the Trust for the purpose of closing any street to traffic,

he shall be punishable with fine which may extend to fifty rupees.

- 90. If any person without the permission of the Trust erects, Power to prevent or demolish building in contravention of sections 30 and 31.

  Power to prevent or re-erects, adds to, or alters any building so as to the same project beyond a street, alignment or building line by the Trust or erects, re-erects, adds to, or alters any building in contravention of sections 30 or 31 the Chairman of the Trust may, by a written notice,—
  - (a) direct that the building, alteration or addition to be stopped, and
  - (b) require such building, alteration or addition to be altered or demolished as he may deem necessary.

Penalty for obstructing contractor or remov- 91. If any person—ng mark.

(a) obstructs, or molests any person with whom the Trust has entered into a contract in the performance or execution by such person of his duty or of anything which he is empowered or required to do under this Act, or

(b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized under this Act,

he shall be punishable with fine which may extend to two hundred rupees or with imprisonment for a term which may extend to two months.

#### Disposal of fines and damages.

Fines and damages to 92. All fines and damages realized in be paid to Trust. connection with prosecutions under this Act shall be paid to the Trust.

#### CHAPTER X.

#### SUPPLEMENTAL PROVISIONS.

- 93. Every trustee and every officer and servant of the Trust, Trustees etc., desined public servants. and every member or officer and servant of the Tribunal, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.
- 94. The Trust shall be liable to pay such contributions for Contributions by Tru t towards leave allowances and pensions of Government servant employed as Chairman or as an officer or servant of the Trust, or as a member or officer or servant of the Tribunal, as may be prescribed in any general or special orders of the Government.

#### LEGAL PROCEEDINGS.

95. Unless otherwise expressly provided, no court shall take Authority for prosecu- cognizance of any offence punishable under this tions. Act, except on the complaint of, or upon information received from, the Trust or some person authorized by the Trust by general or special order in this behalf.

Powers of Chairman as to institution, etc., of legal proceedings and obtaining legal advice.

96. The Chairman may, subject to the control of the Trust.

- (i) institute, defend or withdraw from legal proceedings under this Act.
- (ii) compound any offence against this Act,
- (iii) admit, compromise or withdraw any claim made under this Act, and

- (iv) obtain such legal advice and assistance as he may from time to time deem it necessary or expedient to obtain, or as he may be desired by the Trust to obtain, for any of the purposes referred to in the foregoing clause of this section, or for securing the lawful exercise or discharge of any power or duty vested in or imposed upon the Trust or any officer or servant of the Trust.
- 97. No suit shall be maintainable against the Trust, or any Trustee, or any officer or servant of the Trust, or any person acting under the direction of the Trust, or of the Chairman or of any officer or servant of the Trust in respect of anything lawfully and in good faith and with due care and attention done under this Act.
- (1) No suit shall be instituted against the Trust or any Trustee, or any person associated with the Trust Notice of suit against under section 13 or any member of a Committee appointed under section 14 or any officer or servant of the Trust, or any person acting under the direction of the Trust or of the Chairman or of any officer or servant of the Trust, in respect of an act purporting to be done under this Act, until the expiration of two months next after notice in writing has been, in the case of a Trust, left at its office, and in any other case delivered to or left at the office or place of abode of the person to be sued, explicitly stating the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the intending plaintiff; and the plaint shall contain a statement that such notice has been so delivered or left.
- (2) If the Trust or other person referred to in sub-section (1) shall, before the action is commenced, have tendered sufficient amends to the plaintiff the plaintiff shall not recover any sum in excess of the amount so tendered and shall also pay all costs incurred by the defendant after such tender.
- (3) No action such as is described in sub-section (1) shall, unless it is an action for the recovery of immoveable property or for a declaration of the title thereto, be commenced otherwise than within six months next after the accrual of the cause of action;
- (4) Provided that nothing in sub-section (1) shall be construed to apply to a suit wherein the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the commencement of the suit or proceedings.

#### Evidence.

- 99. A copy of any receipt, application, plan, notice, order, entry in a register, or other document in the possession of the Trust shall, if duly certified by the legal keeper thereof, or other person authorized by the Trust in this behalf, be received as prima facie evidence of the existence of the entry or document and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent, as the original entry or document would, if produced, have been admissible to prove such matters.
- Restriction on the summoning of Trust servants to produce documents.

  Restriction on the summoning of Trust servants to produce documents.

  Restriction on the summoning of Trust servants to produce documents.

  a party be required to produce any register or document the contents of which can be proved under the preceding section by a certified copy or to appear as a witness to prove the matters and transaction recorded therein unless by order of the Court made for special cause.

#### Validation.

Validation of acts and proceedings.

101. (1) No act done or proceeding taken under this Act shall be questioned on the ground merely of—

- (a) the existence of any vacancy in, or any defect in the constitution of, the Trust or any committee, or
- (b) any person having ceased to be a Trustee, or
- (c) any Trustee or any person associated with the Trust under section 13 or any other member of a committee appointed under this Act, having voted or taken any part in any proceeding in contravention of section 16, or
- (d) the failure to serve a notice on any person, where no substantial injustice has resulted from such a failure, or
- (e) any omission, defect or irregularity not affecting the merits of the case.
- (2) Every meeting of the Trust, the minutes of the proceedings of which have been duly signed as prescribed in clause (e) subsection (1), of section 12, shall be taken to have been duly convened and to be free from all defects and irregularities.

#### Compensation.

General power of Frust to pay compensation.

Case not otherwise expressly provided for in this Act, the Trust may pay reasonable compensation to any person who sustains damage by reason of the exercise of any of the powers vested under this Act in the Trust or the Chairman or any officer or servant of the Trust.

#### Dissolution of Trust.

Ultimate dissolution of Trust, and transfer of its assets and liabilities to the committee.

Government it is expedient that the Trust shall cease to exist, the Local Government may by notification declare that the Trust shall be dissolved from such date as may be specified in this behalf in such notification; and the Trust shall be deemed to be dissolved accordingly.

#### (2) From the said date—

- (a) all properties, funds and dues which are vested in or realisable by the Trust and the Chairman respectively shall vest in and be realisable by the Municipal Committee; and
- (b) all liabilities which are enforceable against the Trust shall be enforceable only against the Municipal Committee; and
- (c) for the purpose of completing the execution of any scheme, sanctioned under this Act which has not been fully executed by the Trust, and of realizing properties, funds and dues referred to in clause (a) the functions of the Trust and the Chairman under this Act shall be discharged by the Municipal Committee and the President of the Municipal Committee respectively; and
- (d) the Municipal Committee shall keep separate accounts of all moneys respectively received and expended by it under this Act, until all loans raised hereunder have been repaid, and until all other liabilities referred to in clause (b) have been duly met.

#### THE SCHEDULE.

(Referred to in section 59.)

# Further modifications in the Land Acquisition Act, 1894, hereinafter called "the said Act".

Amendment of section 3. After clause (e) of section 3 of the said Act the following shall be deemed to be inserted namely:—

- "(ee) the expression 'local authority' includes a Trust constituted under the Punjab Town Improvement Act, 1922."
- 2. (1) The first publication of a notice of any improvement Notification under section 4 and declaration under section 6 to be replaced by notification under sections 36 and 42 of this Act.

  2. (1) The first publication of a notice of any improvement scheme under section 36 of this Act shall be substituted for and have the same effect as publication, in the Gazette and in the locality of a notification under sub-section (1) of section 4 of the said Act, except where a declaration under section 4 or section 6 of the said Act has previously been made and is still in force.
- (2) Subject to the provisions of clauses 10 and 11 of this Schedule, the issue of a notice under sub-section (1) of section 32 in the case of land acquired under that sub-section, and in any other case the publication of a notification under section 42 shall be substituted for and have the same effect as a declaration by the Local Government under section 6 of the said Act, unless a declaration under the last mentioned section has previously been made and is still in force.
- 3. The fullstop at the end of clause 11 of the said Act shall be deemed to be changed to a semi-colon, and the following shall be deemed to be added, namely:—
- "(iv) the costs which, in his opinion, should be allowed to any person who is found to be entitled to compensation, and who is not entitled to receive the additional sum of fifteen per centum mentioned in sub-section (2) of section 23, as having been actually and reasonably incurred by such person in preparing his claim and putting his case before the Collector.
- "The Collector may disallow, wholly or in part, costs incurred by any person if he considers that the claim made by such person for compensation is extravagant."

- 4. In section 15 of the said Act, for the word and figures "and 24" the figures, word and letter "24 and 24-A" preceded by a comma, shall be deemed to be substituted.
- 5. (1) In sub-section (3) of section 17 of the said Act, after the figures "24" the words, figures and letter "or section 24-A" shall be deemed to be inserted.
- (2) To the said section 17 the following shall be deemed to be added, namely:—
  - "(4) Sub-sections (1) and (3) shall apply also to any area certified to be unhealthy by any Magistrate of the first class.
  - (5) Before granting any such certificate, the Magistrate shall cause notice to be served as promptly as may be on the persons referred to in sub-section (3) of section 9, and shall hear without any avoidable delay any objections which may be urged by them.
  - (6) When proceedings have been taken under this section for the acquisition of any land, and any person sustains damage in consequence of being suddenly dispossessed of such land, compensation shall be paid to such person for such dispossession."

Transfer of land to

- 6. After section 17 of the said Act the following shall be deemed to be inserted, namely:—
- "17. A. In every case referred to in section 16 or section 17, the Collector shall, upon payment of the cost of acquisition, make over charge of the land to the Trust; and the land shall thereupon vest in the Trust subject to the liability of the Trust to pay any further costs which may be incurred on account of its acquisition."
- 7. The fullstop at the end of sub-section (1) of section 18

  Amendment of section of the said Act shall be deemed to be changed to a comma, and the words "or the amount of the costs allowed" shall be deemed to be added.
- 8. After the words "amount of compensation," in clause (c) of section 19 of the said Act, the words "and of costs (if any)" shall be deemed to be inserted.

A mendment of section 20. After the words "amount of the compensation," in clause (e) of section 20 of the said Act, the words "or costs" shall be deemed to be inserted.

- 10. (1) In clause first and clause sixthly of sub-section (1) of section 23 of the said Act, for the words "publication of the declaration relating thereto under section 6" and the words "publication of the declaration under section 6" shall be deemed to be substituted—
  - (a) if the land is being acquired under sub-section (3) of section 32 of this Act the words "issue of the notice under sub-section (3) of section 32 of the Punjab Town Improvement Act, 1922," and
    - (b) in any other case, the words "first publication of the notification under section 36 of the Punjab Town Improvement Act, 1922."
- (2) The fullstop at the end of sub-section (2) of section 23 of the said Act shall be deemed to be changed to a colon and the following proviso shall be deemed to be added:—
- "Provided that this sub-section shall not apply to any land acquired under the Punjab Town Improvement Act, 1922."
- (3) At the end of section 23 of the said Act, the following shall be deemed to be added, namely:—
  - "(3) For the purposes of clause first of sub-section (1) of this section—
    - (a) the market-value of the land shall be the market-value according to the use to which the land was put at the date with reference to which the market-value is to be determined under that clause;
    - (b) if it be shown that before such date, the owner of the land had in good faith taken active steps and incurred expenditure to secure a more profitable use of the same, further compensation based on his actual loss may be paid to him;
    - (c) if any person without the permission of the Trust required by sub-section (1) of section 31 of the Punjab Town Improvement Act, 1922, has erected, re-erected, added to, or altered any building or wall so as to make the same project beyond a street alignment or building line duly prescribed by the Trust then any in-

crease in the market-value resulting from such erection, re-erection, addition or alteration shall be disregarded.

- (d) if the market-value has been increased by means of any improvement made by the owner or his predecessors-in-interest within two years before the aforesaid date, such increase shall be disregarded unless it be proved that the improvement so made was made in good faith and not in contemplation of proceedings for the acquisition of the land being taken under the Punjab Town Improvement Act, 1922;
- (e) if the market-value is specially high in consequence of the land being put to a use which is unlawful or contrary to public policy, that use shall be disregarded, and the market-value shall be deemed to be the market-value of the land if put to ordinary use; and
- (f) when the owner of the land or building has after the passing of the i unjab Town Improvement Act, 1922, and within two years preceding the date with reference to which the market-value is to be determined, made a return under any enactment in force of the rent of the land or building, the rent of the land or building shall not in any case be deemed to be greater than the rent shown in the latest return so made, save as the Court may otherwise direct, and the market-value may be determined on the basis of such rent:
- Provided that where any addition to, or improvement of, the land or building has been made after the date of such latest return and previous to the date with reference to which the market-value as to be determined, the Court may take into consideration any increase in the letting-value of the land due to such addition or improvement."

Amendment of section 11. For clause seventhly of section 24 24. of the said Act, the following shall be deemed to be substituted, namely:—

"Seventhly, any outlay on additions or improvements to land acquired, which was incurred after the date with reference to which the market-value is to be determined, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair."

Further provision for determining compensation.

12. After section 24 of the said Act the following shall be deemed to be inserted, namely:—

- "24-A. In determining the amount of compensation to be awarded for any land acquired for the Trust under this Act, the tribunal shall also have regard to the following provisions, namely:—
  - (a) When any interest in any land acquired under this Act has been acquired after the date with reference to which the market-value is to be determined, no separate estimate of the value of such interest shall be made so as to increase the amount of compensation to be paid for such land.
  - (b) If, in the opinion of the Tribunal, any building is in a defective state, from a sanitary point of view, or is not in a reasonably good state of repair, the amount of compensation for such building shall not exceed the sum which the Tribunal considers the building would be worth if it were put into a sanitary condition or into a reasonably good state of repair as the case may be, minus the estimated cost of putting it into such condition or state.
  - (c) If, in the opinion of the Tribunal any building which is used or is intended or is likely to be used for human habitation, is not reasonably capable of being made fit for human habitation, the amount of compensation for such building shall not exceed the value of the materials of the building, minus the cost of demolishing the building."
  - Amendment of section (1) of section 31 of the said Act, and after the words "the amount of compensation" in subsection (2) of that section, the words "and costs (if any)" shall be deemed to be inserted.
  - (2) After the words "any compensation" in the concluding proviso to sub-section (2) of section 31 of the said Act, the words "or cost" shall be deemed to be inserted.
  - Compensation to be awarded when land not acquired within one year.

    14. After section 48 of the said Act, the following shall be deemed to be inserted, namely:
  - "48-A. (1) If within a period of one year, from the date of the publication of the declaration under section 6 in respect of any land, the Collector has not made an award under section 11 with respect to such land, the owner of the land shall, unless he has been to a material extent responsible for the delay, be entitled to receive compensation for the damage suffered by him in consequence of the delay."
    - "(2) The provisions of Part III of this Act shall apply, so far

as may be, to the determination of the compensation payable under this section."

Amendment of section 49 of the said Act, the following shall be deemed to be inserted, namely:—

"Erplanation.—For the purposes of this sub-section land which is held with and attached to a house and is reasonably required for the enjoyment and use of the house shall be deemed to be part of the house."

#### APPENDIX Y.

#### THE PUNJAB LOCAL OPTION ACT, 1923.

WHEREAS it is desirable to enable Local Bodies to restrict the sale of intoxicating liquor within certain areas; and whereas the previous sanction of the Government of India Act has been obtained; it is hereby enacted as follows:—

#### CHAPTER I.

#### PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the Punjab Local Option Act, 1923.

- (2) It extends to the Punjab.
- (3) It shall come into force on such date as the Local Government may by notification appoint in this behalf.
  - Definitions.

    2. In this Act unless there is anything repugnant in the subject or context—
- (1) "Liquor" has the meaning assigned to it in the Punjab Excise Act, 1914.
  - (2) "Foreign liquor" means-
    - (a) all liquors imported by sea into British India other than rectified spirit, denatured spirit and perfumed spirit;
    - (b) all beer manufactured in India.
- (3) "Local Body" means a District Board established under the Punjab District Boards Act, 1883, or a Municipal Committee or Notified Area Committee established or appointed under the Punjab Municipal Act, 1911, or a Small Town Committee established under the Punjab Small Towns Act, 1921.
- (4) "Empowered Local Body" means a Local Body concerning which a declaration has been made under section 3 that it may exercise the powers therein specified.
  - (5) "Sale" includes any transfer other than by way of ift.

- (6) "Licensed shop" means the business premises of a person licensed to sell liquor by retail under the Punjab Excise Act, 1914, as specified in the license, but does not include any of the following places in which only foreign liquor is sold, namely:—
  - (i) a Club,
  - (ii) a Hotel,
  - (iii) a Restaurant Bar,
  - (iv) a Railway Refreshment Room except that kept for Hindus and Muhammadans,
  - (v) a Railway Restaurant Car.
- (7) " Local Area" means the area over which a Local Body has authority.
- Application by Local Body, within a period not exceeding three months from the date of such application, declare by notification that such Local Body may exercise the powers conferred under sections 4,

#### CHAPTER II.

Powers of an Empowered Local Body.

- 4. (1) An Empowered Local Body may, from time to time by resolution passed in accordance with its rules of business, prescribe the maximum number of licensed shops at which liquor may be sold within its Local Area.
- (2) Such number shall be not less, in the case of a Municipal Committee, than one-third, and in any other case, than one-half of the total number of shops licensed by the Collector for the retail vend of liquor on 31st March, 1923 within the limits of such Local Area.
- (3) Such resolution shall take effect from the 1st day of April in the year next following the date on which it was passed.

Referendum.

5. (1) An Empowered Local Body may, by resolution passed from time to time in a accordance with its rules of business—

(a) prescribe a maximum number, which may be less than the proportion prescribed in sub-section (2) of section 4,

of licensed shops at which liquor may be sold within its Local Area; or

(b) direct that liquor may not be sold at any licensed shop within such Local Area:

Provided that no such resolution shall have effect under this Act until it has been submitted by way of referendum to the registered electors of such Empowered Local Body, and has been confirmed by a two-thirds majority of the total number of such electors.

- (2) When a resolution has been confirmed under sub-section (1) it shall take effect from the 1st day of April of the year next following the date of such confirmation and shall thereafter remain in force: provided that any time such Empowered Local Body may by further resolution declare that such resolution shall cease to have effect upon the 1st day of April in the year next following the date of such further resolution and such resolution shall accordingly cease to have effect from such date.
- Resolutions of Empowered Local Bodies to be binding on Collectors.

  Resolutions of Empowered Local Bodies to be binding on Collectors.

  Collector under the said Act a resolution passed under section 5 shall be binding upon the Collector of the District in which the Local Area concerned is situated:

Provided that if the Collector is of opinion for reasons to be recorded in writing that within such Local Area illict distillation or smuggling of alcohol has been carried on or connived at, within the two years preceding the date of the passing of such resolution, by any of the residents of such Local Area, such resolution shall not be binding upon him, unless the Commissioner orders that it shall be so binding.

#### CHAPTER III.

#### Power to make Rules.

Powers of the Local Government.

7. The Local Government may make rules regulating the procedure for holding a referendum under section 5.\*

Power of Local make rules prescribing—

<sup>\*</sup>Note.—Rules made under this section were published in P. G Note. No 17133-Excise, dated 5th July, 1924.

- (a) the portions of its Local Area in which licensed shops may be situated;
- (b) the hours during which liquor may be sold at such shops;
- (c) the minimum age, which shall not exceed 18 years, of the persons who may be served with liquor at such shops.

#### CHAPTER IV.

#### FOREIGN LIQUOR.

9. Except as hereinafter provided the provisions of this Act Special provision conshall not apply to the sale of Foreign Liquor, but when an Empowered Local Body has prescribed a maximum number of licensed shops under section 4 or section 5 or has prohibited the sale of liquor under section 5, and the Local Government is satisfied that the object of such prescription or prohibition is being evaded by the sale of Foreign Liquor in the Local Area concerned, the Local Government shall by rule made under section 58 of the Punjab Excise Act, 1914, prohibit the Collector from granting a license for the sale of Foreign Liquor in the said Local Area except in accordance with the terms of such resolutions as such Empowered Local Body may have passed or may pass in respect of country liquor or with the special sanction of the Local Government.

#### CHAPTER V.

#### GENERAL.

- 10. Any person who commits a breach of any rule made under section 8 shall be punishable with a fine which may extend to one hundred rupees.
- 11. Subject to the provisions of this Act the provisions of the Saving of the provisions Punjab Excise Act, 1914, and the rules made of the Punjab Excise Act, thereunder, shall have full force and effect in the Local Areas of all Empowered Local Bodies.

#### APPENDIX Z.

#### 1. COST OF SETS OF STANDARD WEIGHTS.

The price of a complete set of weights (nested in a wooden baize-lined box) and liquid measures is now Rs. 589-1-0 as per details below:—

			Rs.	a.	p.
Weights— 20 srs.	(2 specimens) @ Rs. 120 eac	h	240	0	0
10 ,,	1 ,,		70	0	0
5 ,	1 "		40	0	0
4 ,,	1 ,,	240	40	0	0
3 ,,	1 ,		25	0	0
2	1 ,,		15	0	0
1 sr.	1 ,,		10	0	0
8 chks			5	0	0
4,,	1 ,	•••	4	0	0
2 ,,	1		3	0	0
1 chk.	1 ,,		2	0	0
3 tolas	<b>1</b> , ,	• • •	1	8	0
2 .,	1	• • •	1	5	0
1 tola	$m{u}_{m{i}}$		1	0	0
1 ,,	1)				
	2 ,, @ Re. 0-10-0 each		1	4	0
1 ,,			and the second		
			459	1	0
Baize-li	ned teakwood box	•••	75	0	0
	on Market Alberta		534	1	0
Measures—Copper	1 gallon measure		27	Ô	ő
그림, 여기 보통이 이렇게 그런 이른 큐트라고 있다.	1		16	0	ŏ
	1 mint		12	Õ	0
					1000000
	Total		589	1	0

### 2. SCHEDULE OF CHARGES FOR ADJUSTING WEIGHTS.

<sup>1.</sup> The Mint adjusts only those weights enumerated in this schedule, provided they are heavier than standard within the limits set down against them. Any weights sent for adjustment lighter than standard or heavier than standard by an amount greater than the excess allowed will be returned.

- 2. No weights of more than ½ cwt. or 2,000 tolas can be adjusted accurately by the Mint, and no weights heavier than these will be accepted for adjustment at all except the maund weight.
- 3. The Mint does not adjust the bazaar maund or the factory maund, but such weights can be adjusted approximately to the standard of the Indian maund, and the word "bazaar" or 'factory" will be obliterated at the extra cost specified herein.
- 4. Brass or gunmetal weights will be marked with the Mint stamp after adjustment, iron weights will not be stamped nor will brass or gunmetal weights which exceed 3,000 tolas in weight.
- 5. Dirty, porous and heavily soldered weight will not be received for adjustment.

${ m Weights.}$		Excess allowed.	Charge just	for ad- ing.
56 fb 28 and 14 fb 7 and 4 fb 2 fb	• • •	Tola.  1 1 3 4	Rs. a. 3 0 2 0 1 0 1 0	p. 0 0 each. 0 ,,
1 fb 8, 4, 2, 1, $\frac{1}{2}$ and $\frac{1}{4}$ oz. 1 Indian maund of 3,200 tolas 20 and 10 srs. 5, 4, 3 and $2\frac{1}{8}$ srs. 2 and 1 srs. 8 and 4 chhs. 2, 1, $\frac{1}{2}$ and $\frac{1}{4}$ chhs. 2,000 and 1,000 tolas		- 1971-14 1 - 1971-1971-1971-1981-1981-1981-1981-1981-	0 12 0 12 3 0 2 0 1 0 1 0 0 12 0 12 2 0	0 each. 0 each. 0 ,, 0 ,, 0 ,, 0 ,, 0 ,, 0 ,,
500 tolas 300 and 200 tolas 100 tolas 50, 30 and 20 tolas 10, 5 and 3 tolas 2 and 1 tolas \frac{1}{2}, \frac{1}{4} \text{ and } \frac{1}{8} \text{ tola} 1/16, 1/32 \text{ and } 1/64\frac{1}{9}\text{ tola}		1 \$\frac{3}{4} 1/2 1/3 1/32 1/64	1 0 1 0 1 0 0 12 0 12 0 12 0 12 0 12 0 1	0 each. 0 each. 0 ,, 0 ,, 0 ,,

The minimum charge for adjustment will be one rupee.

The charge for punching each letter or figure will be one anna.

The charge for drilling and plugging with lead will be eight annas each weight.

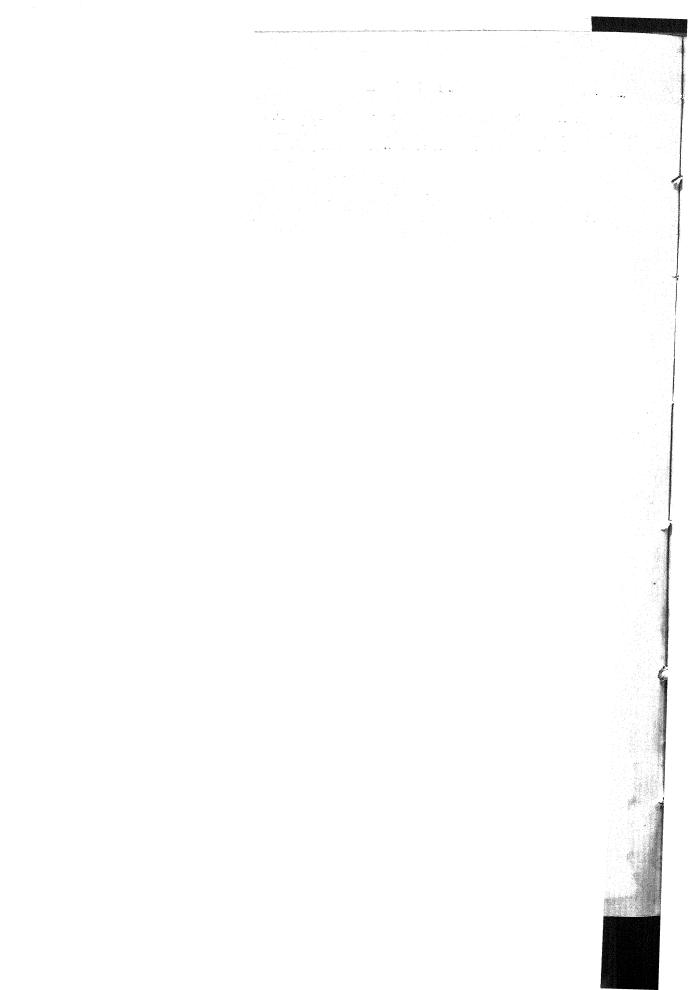
The charge for obliterating the word "bazar" or "factory" will be four annas each weight.

3. PRICE LIST OF SHEET COPPER LIQUID MEASURES SHOWING CHARGES FOR ADJUSTING THE SAME AND FOR STRENGTHENING WHEN REQUIRED.

Size	of measures	•	Price just	ted		Adji cha	ıstin rges		Streng cha			ng
			Rs.	Α.	P.	Rs	. А.	Р.	Rs.	A	, ]	P,
5 gallons		•••	61	0	0	6	0	0	7	C		0
4 ,,	•••	• • •	51	0	0	6	0	0	6	8	3	0
3 "			42	0	0	5	0	0	5	19	2	0
2 "	•••	• • •	34	0	0	4	0	0	4	15	2	0
1 gallon	<b>***</b>	•••	27	0	0	4	F 0	0	8	3 , 3	3	0
· **			21	0	0		8	0	2	} ;	3	0
<del>1</del> ,,		•••	16	0	0	1	8	0	2	} ;	8	0
1 pint	•••	• * •	12	0	0		8	0	. 1	. 1	2	0
2 ,9	•••	•••	10	0	0		2 12	0		L	8	0
1 gill	•••	•••	9	0	0		2 12	0	).	L	8	0
1 7,		•••	8	0	0		2 12	2 0	)	1	8	0
ł "			7	0	0		2 12	2 0		1	8	0
1 dram		•••	9	0	0		2 12	3 0	) 	1	8	0
1/2 ,,	• •		8	0	0		2 12	2 (		1	8	0

N. B.—Liquid measures sent to the Mint for [adjustment often require stiffening pieces fitted to the base and the foregoing strengthening charges are made when this has to be done.

<sup>1</sup> dram-1/5 of a pint or 1/40 of a gallon,



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